



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Forty-fifth Meeting Day

Wednesday Morning

April 11, 2001

The House convened at 11:00 a.m. with the Speaker in the Chair.

The invocation was offered by Representative Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Representative William C. Cochran.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson •
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 479: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 8

Representative Welch called down Engrossed Senate Bill 8 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 8-4)

Mr. Speaker: I move that Engrossed Senate Bill 8 be amended to read as follows:

Page 2, line 24, delete "2003" and insert "2001".
Page 2, line 41, delete "2003" and insert "2001".
Page 3, line 8, delete "2003" and insert "2001".
Page 3, line 29, delete "2003" and insert "2001".
Page 4, line 9, delete "2003" and insert "2001".
Page 4, line 31, delete "2003" and insert "2001".
Page 5, line 2, delete "2003" and insert "2001".
Page 6, line 24, delete "2003" and insert "2001".
Page 8, line 19, delete "2003" and insert "2001".
Page 10, line 21, delete "2003" and insert "2001".
Page 10, line 30, delete "2003" and insert "2001".
Page 10, line 39, delete "2003" and insert "2001".
Page 11, line 15, delete "2003" and insert "2001".
(Reference is to ESB 8 as printed April 6, 2001.)

DUNCAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 5

Representative Welch called down Engrossed Senate Bill 5 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 5-1)

Mr. Speaker: I move that Engrossed Senate Bill 5 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec.3. (a) **Except as provided in subsection (b),** it is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication.

(b) **A person who is a passenger in a private motor vehicle being operated by an individual who has consumed no alcohol is not in a public place or place of public resort under this section.**

SECTION 2. [EFFECTIVE JULY 1, 2001]: **IC 7.1-5-1-3, as amended by this act, applies only to acts committed after June 30, 2001."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 5 as printed April 9, 2001.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 19

Representative Welch called down Engrossed Senate Bill 19 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 19-1)

Mr. Speaker: I move that Engrossed Senate Bill 19 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-17-15-6, AS AMENDED BY P.L.121-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The **section division** shall do the following:

- (1) Carry out the general administration and supervision of programs and activities receiving assistance under this chapter, monitor programs and activities implemented by the state, regardless of whether the programs and activities are receiving assistance under this chapter, and ensure that the state complies with 20 U.S.C. 1431 through 1445 in implementing this chapter.
- (2) Identify and coordinate all available resources from federal, state, local, and private sources, including public and private insurance coverage and utilizing all existing applicable resources to the full extent of the resources.
- (3) Develop the procedures to ensure that early intervention services are provided to infants and toddlers with disabilities and their families in a timely manner pending the resolution of disputes among public agencies and providers.
- (4) Resolve disputes within an agency or between agencies.
- (5) Enter into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services consistent with Indiana law and procedures for resolving disputes, including all additional components necessary to ensure meaningful cooperation and coordination.
- (6) **Develop and implement utilization review procedures for services provided under this chapter.**

(b) The state shall designate an individual or entity responsible for assigning financial responsibility among appropriate agencies under this chapter.

SECTION 2. IC 12-17-15-15, AS AMENDED BY P.L.121-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. The council shall do the following:

- (1) Advise and assist the **section division** in the performance of the responsibilities set forth in section 6 of this chapter, particularly the following:
 - (A) Identification of the sources of fiscal and other support for services for early intervention programs.
 - (B) Use of the existing resources to the full extent in implementing early intervention programs.
 - (C) Assignment of financial responsibility to the appropriate agency.
 - (D) Promotion of the interagency agreements.
 - (E) **Development and implementation of utilization review procedures.**

- (2) Advise and assist the **section division** in the preparation of applications required under 20 U.S.C. 1431 through 1445.
- (3) Prepare and submit an annual report to the governor, the general assembly, and the United States Secretary of Education by November 1 of each year concerning the status of early intervention programs for infants and toddlers with disabilities and their families.
- (4) Periodically request from the agencies responsible for providing early childhood intervention services for infants and toddlers with disabilities and preschool special education programs written reports concerning the implementation of each agency's respective programs.
- (5) Make recommendations to the various agencies concerning improvements to each agency's delivery of services.
- (6) Otherwise comply with 20 U.S.C. 1441."

Renumber all SECTIONS consecutively.
(Reference is to ESB 19 as printed April 9, 2001.)

SUMMERS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 31

Representative Cook called down Engrossed Senate Bill 31 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 31-1)

Mr. Speaker: I move that Engrossed Senate Bill 31 be amended to read as follows:

Page 4, between lines 25 and 26, begin a new paragraph and insert: "SECTION 6. IC 9-21-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in subsection (b), a public or private agency may not erect a traffic control device on a state maintained highway without the written permission of the Indiana department of transportation.

(b) This subsection applies to the installation of traffic signals on a state highway in a city or town. **Except as provided in section 12 and 13 of this chapter**, the Indiana department of transportation shall:

- (1) install any signal that meets the standards, specifications, and warrants set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways; or
- (2) grant written permission to a city or town to erect the signal if it is not possible for the state immediately to install the signal."

Page 5, between lines 19 and 20, begin a new paragraph and insert: "SECTION 8. IC 9-21-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13 (a) **This section applies only to U.S. Highway 31 in a county having a population of more than thirty-six thousand seven hundred (36,700) but less than thirty-seven thousand (37,000).**

(b) **The Indiana department of transportation shall remove four (4) stoplights from the highway described in subsection (a) in the safest manner possible. The stop lights must be removed at the intersections of U.S. Highway 31 and the following highways:**

- (1) CR 100 N.
- (2) Business U.S. Highway 31.
- (3) Indiana Highway 218W.
- (4) Indiana Highway 18.

(c) **These stop lights must be removed within the time set forth in subsection (e). The department may employ either of the following alternatives at an intersection at which the department removes a signal control device under this section:**

- (1) Barricading the intersecting road or street to prevent the egress or ingress to U.S. Highway 31.
- (2) Installing flashing lights at the intersection.

(d) **The Indiana department of transportation may not install a stoplight or stop sign on U.S. Highway 31 in a county having a population of more than thirty-six thousand seven hundred (36,700) but less than thirty-seven thousand (37,000) after June 30, 2001. If there is a compelling need to facilitate the crossing of U.S. Highway 31, the department shall construct an overpass or underpass at the particular intersection instead of installing a stoplight or stop sign.**

(e) **The Indiana department of transportation shall remove the stop lights set forth in subsection (b) before July 1, 2002.**

(f) **For each violation of this section, the Indiana department of transportation shall forfeit five hundred thousand dollars (\$500,000). The department shall transfer the money forfeited under this subsection to the U.S. Highway 31 upgrade fund established under IC 9-21-3-12 (e).**

(g) **The Indiana department of transportation shall transfer money forfeited under this section by July 31, 2001."**

Page 5, after line 34, begin a new paragraph and insert: "SECTION 10. **An emergency is declared for this act.**"
(Reference is to SB 31 as printed April 6, 2001.)

COOK

Motion prevailed.

HOUSE MOTION (Amendment 31-2)

Mr. Speaker: I move that Engrossed Senate Bill 31 be amended to read as follows:

Page 4, line 36, after "possible," insert "**The stoplights removed under this section must be located at the five (5) intersections that have the five (5) lowest traffic counts for the street or road intersecting the highway described in subsection (a). The department shall identify the intersections where the stoplights must be removed**

by using the most recent traffic study for each intersection that is available to the department. However, the department may not use a traffic study conducted before January 1, 1995."

(Reference is to ESB 31 as printed April 6, 2001.)

BAUER

Upon request of Representatives Friend and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 480: yeas 56, nays 31. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 33

Representative Sturtz called down Engrossed Senate Bill 33 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 33-1)

Mr. Speaker: I move that Engrossed Senate Bill 33 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-5-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) A school corporation, **including a school township**, shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:

(A) ~~noncertificated~~ employment with the school corporation; or

(B) employment with an entity with which the school corporation contracts for services; or

(2) seek to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) A school corporation shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section ~~may shall~~ require ~~any of the following: that~~

(~~1~~) the school corporation ~~may request obtain a~~ limited criminal history information concerning each ~~applicant for noncertificated employment person described in subsection (a)~~ from a local or state law enforcement agency before ~~or not later than three (3) months after the applicant's employment by the school corporation or, if the person is not employed by the school corporation, before the person has contact with a student of the school corporation.~~

(c) ~~The policy adopted under this section may require any of the following:~~

(~~2~~) (1) Each individual hired for ~~noncertificated~~ employment may be required at the time the individual is hired to submit a certified copy of the individual's limited criminal history (as defined in IC 5-2-5-1(1)) to the school corporation.

(~~3~~) (2) Each individual hired for ~~noncertificated~~ employment may be required at the time the individual is hired to:

(A) submit a request to the Indiana central repository for limited criminal history information under IC 5-2-5;

(B) obtain a copy of the individual's limited criminal history; and

(C) submit to the school corporation the individual's limited criminal history and a document verifying a disposition (as defined in IC 5-2-5-1(6)) that does not appear on the limited criminal history.

(~~4~~) (3) Each applicant for ~~noncertificated~~ employment may be required at the time the individual applies to answer questions concerning the individual's limited criminal history. The failure to answer honestly questions asked under this subdivision is grounds for termination of the ~~noncertificated~~ employee's employment.

(c) If ~~an individual is required there is a charge~~ to obtain a limited criminal history under this section, the individual is responsible for all costs associated with obtaining the limited criminal history.

(d) Information obtained under this section must be used in accordance with IC 5-2-5-6.

SECTION 2. IC 20-6.1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A school corporation may grant a teacher a leave of absence, for at most one (1) year, for a sabbatical or for disability or sick leave. The school corporation may grant consecutive leaves. A school corporation may grant partial compensation for any leave in an amount it determines. However, if a teacher:

(1) on a sabbatical serves an employer that agrees to reimburse the school corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation; or

(2) **is assaulted while performing the teacher's duties:**

(A) **the school corporation shall grant full compensation for any resulting leave required by the teacher until the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties; and**

(B) **the compensation granted under clause (A) does not count against the teacher's sick leave or vacation leave benefits.**

Any teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to the provisions of section 4 of this chapter. Except where a contract is not required under IC 20-6.1-4-10 through IC 20-6.1-4-16 in any situation occurring before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted, and the teacher shall have the right to return to a teaching position for which the teacher is certified or otherwise qualified in accordance with the rules of the state board of education.

(b) Rights existing at the time leave commences, which arise from a teacher's:

(1) status as a permanent teacher;

(2) accumulation of successive years of service;

(3) service performed under a teacher's contract pursuant to IC 20-6.1-4-9; or

(4) status or rights negotiated under IC 20-7.5;

shall remain intact except as provided in subsection (a).

(c) During leave, the teacher may maintain coverage in any group insurance program by paying the total premium including the school corporation's share, if any, attributable to the leave period. The school corporation may elect to pay all or part of the cost of the premium as an adopted or negotiated fringe benefit to teachers on leave.

(d) During leave extending into a part of a school year, a teacher shall accumulate sick leave in accordance with the provisions of IC 20-6.1-5-6, or any salary schedule of the school corporation providing greater sick leave, in the same proportion which the number of days the teacher is paid during such year for work or leave bears to the total number of days for which teachers are paid in the school corporation.

(e) During leave of a nonpermanent teacher, the period of probationary successive years of service under a teacher's contract which is a condition precedent to becoming a permanent teacher under IC 20-6.1-4-9 shall be uninterrupted for that teacher except as provided in subsection (a). However, this probationary period shall not include an entire school year spent on leave.

(f) All or part of a leave granted for sickness or disability, including pregnancy-related disability, may be charged at the teacher's discretion to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick leave days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay.

SECTION 3. IC 20-6.1-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. If:

(1) **a teacher is unable to attend school because an emergency has been declared by the civil authorities in the county in which the teacher resides; and**

(2) **the school corporation receives verification that an emergency was declared;**

the teacher shall receive contingency leave with pay for the period that the teacher was unable to attend school.

SECTION 4. IC 20-8.1-12.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 12.5. Reporting Requirements; Threat or Intimidation of a School Employee

Sec. 1. As used in this chapter, "intimidation" refers to intimidation under IC 35-45-2-1.

Sec. 2. As used in this chapter, "threat" has the meaning set forth in IC 35-45-2-1.

Sec. 3. In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee has received a threat or is the victim of intimidation shall report that information as required by this article.

Sec. 4. (a) If an individual who is required to make a report under this article is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation.

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 6 of this chapter.

Sec. 5. This chapter does not relieve an individual of the obligation to report a threat or intimidation on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

Sec. 6. A person who has a duty under this chapter to report that a school employee may have received a threat or may be the victim of intimidation shall immediately make an oral report to the local law enforcement agency.

Sec. 7. Except as provided in section 8 of this chapter, a person, other than a person accused of making a threat or intimidating a school employee, who:

- (1) makes, or causes to be made, a report under this chapter; or
- (2) participates in any judicial proceeding or other proceeding:
 - (A) resulting from a report under this chapter; or
 - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

Sec. 8. A person who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

Sec. 9. A person making a report under this chapter or assisting in any requirement of this chapter is presumed to have acted in good faith.

SECTION 5. IC 20-10.1-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 30. Parental Declaration of Responsibilities

Sec. 1. This chapter applies to public schools.

Sec. 2. As used in this chapter, "declaration" refers to a parental declaration of responsibilities created under this chapter.

Sec. 3. The department shall do the following:

- (1) Work with parent and teacher organizations to create a parental declaration of responsibilities that meets the requirements of this chapter.
- (2) Work with parent and teacher organizations to periodically revise the declaration when the department considers revision necessary.
- (3) Encourage schools and school corporations to adopt the declaration as a policy of the school or school corporation.
- (4) Encourage parents at the beginning of each school year to agree in writing to carry out to the best of the parents' abilities the responsibilities set forth in the declaration.

Sec. 4. A parental declaration of responsibilities created under section 3 of this chapter must do the following:

- (1) Reflect the policy that there is no adequate substitute for the involvement of a concerned and committed parent or family in the education of a child.

(2) Reflect the policy that a school should welcome and foster positive involvement in the school by parents and families.

(3) Encourage parents and families to become involved in the education of children.

(4) Reflect the following elements as among the most important elements of effective parental and family involvement in education:

(A) Regular, two-way, meaningful communication between parents and schools.

(B) Effective parenting skills exercised by parents for the benefit of their children, and fostered by schools.

(C) Parental involvement in student learning in which parents play an integral role in student learning by emphasizing the importance of education, and in which schools assist parents in this endeavor.

(D) Volunteerism in which parents are welcomed by schools, and parents commit themselves to providing support to their children's schools as volunteers.

(E) School based decision making in which parents involve themselves in the educational decision making process at the school and school corporation level and are welcomed in that role by the schools.

(5) Identify the responsibilities of parents and families.

(6) Identify the responsibilities of schools in helping parents and families meet parental responsibilities as stated in the declaration.

(7) Include other elements of effective parental involvement that the department identifies.

SECTION 6. IC 31-37-19-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28. (a) Whenever a court adjudicates a child to be a delinquent child, the court shall notify the superintendent of any public or nonpublic elementary or secondary school that the child attends of the adjudication and disposition of the case. The superintendent shall notify the principal of the elementary or secondary school.

(b) Upon written request of an authorized representative of the school, the court, if the court considers it appropriate, may authorize the attorney for the county office of family and children to give the principal of the school a statement of the facts in the case.

(c) A principal who receives information under subsection (a) or (b):

- (1) shall release the information to any employees of the school having responsibility for classroom instruction with the child; and
- (2) may release the information to any school administrative, transportation, or counseling personnel and any teacher or school employee with whom the student may come in contact.

However, the information must otherwise remain confidential and may not become part of the child's school records.

SECTION 7. IC 31-39-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. The juvenile court shall grant a superintendent of a public or private school access to the records of a child as required under IC 31-37-19-28.

SECTION 8. IC 31-39-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) The juvenile court shall provide a superintendent of a public or private elementary or secondary school where a child is enrolled with the records of a child who is a danger to themselves or others.

(b) Records shared with a school superintendent under subsection (a) shall be delivered to the school superintendent in a sealed envelop marked "confidential". The envelop must bear a legend that advises that the records contained in the envelop are to be maintained as confidential records. The records may be used by the school superintendent in furtherance of determining and developing programs to address the child's educational needs.

SECTION 9. IC 31-39-4-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) The head of a law enforcement agency shall

provide a superintendent of a public or private elementary or secondary school where a child is enrolled with the records of a child who is a danger to themselves or others.

(b) Records shared with a school superintendent under subsection (a) shall be delivered to the school superintendent in a sealed envelop marked "confidential". The envelop must bear a legend that advises that the records contained in the envelop are to be maintained as confidential records. The records may be used by the school superintendent in furtherance of determining and developing programs to address the child's educational needs.

SECTION 10. IC 34-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A judgment rendered with respect to or a settlement made by a governmental entity bars an action by the claimant against an employee whose conduct gave rise to the claim resulting in that judgment or settlement. A lawsuit alleging that an employee acted within the scope of the employee's employment must be exclusive to the complaint and bars an action by the claimant against the employee personally. However, if the governmental entity answers that the employee acted outside the scope of the employee's employment, the plaintiff may amend the complaint and sue the employee personally. An amendment to the complaint by the plaintiff under this subsection must be filed not later than one hundred eighty (180) days from the date the answer was filed and may be filed notwithstanding the fact that the statute of limitations has run.

(b) A lawsuit filed against an employee personally must allege that an act or omission of the employee that causes a loss is:

- (1) criminal;
- (2) clearly outside the scope of the employee's employment;
- (3) malicious;
- (4) willful and wanton; or
- (5) calculated to benefit the employee personally.

The complaint must contain a reasonable factual basis supporting the allegations.

(c) Except as provided in subsection (d), and subject to the provisions of sections 4, 14, 15, and 16 of this chapter, the governmental entity shall pay any judgment, compromise, or settlement of a claim or suit against an employee when:

- (1) the act or omission causing the loss is within the scope of the employee's employment, regardless of whether the employee can or cannot be held personally liable for the loss; and
- (2) the:
 - (A) governor in the case of a claim or suit against a state employee; or
 - (B) governing body of the political subdivision, in the case of a claim or suit against an employee of a political subdivision;
 determines that paying the judgment, compromise, or settlement is in the best interest of the governmental entity.

(d) Subject to sections 4 and 16 of this chapter, a school corporation shall pay any judgment, compromise, or settlement of a claim or suit against an employee when the act or omission causing the loss is within the scope of the employee's employment, regardless of whether the employee may be held personally liable for the loss.

(e) The governmental entity shall provide counsel for and pay all costs and fees incurred by or on behalf of an employee in defense of a claim or suit for a loss occurring because of acts or omissions within the scope of the employee's employment, regardless of whether the employee can or cannot be held personally liable for the loss.

(f) This chapter shall not be construed as:

- (1) a waiver of the eleventh amendment to the Constitution of the United States;
- (2) consent by the state of Indiana or its employees to be sued in any federal court; or
- (3) consent to be sued in any state court beyond the boundaries of Indiana.

SECTION 11. IC 34-30-2-85.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 85.1. IC 20-8.1-12.5-7 (Concerning a person who**

reports or causes a report to be made of a threat against, or intimidation of, a school employee)."

Page 2, line 5, strike "or".

Page 2, line 7, after "victim;" insert "or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity;"

Page 2, after line 26, begin a new paragraph and insert:

"SECTION 13. IC 35-50-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 3.5. Release of Certain Criminal Records of a Child to a School the Child Attends

Sec. 1. Whenever a court convicts a child of an offense, the court shall notify the superintendent of any public or nonpublic school that the child attends of the child's conviction and sentence for the offense. The superintendent shall notify the principal of the school.

Sec. 2. Upon written request of an authorized representative of the school, the court, if the court considers it appropriate, may authorize the prosecuting attorney to give the principal of the school a statement of the facts of the case.

Sec. 3. A principal who receives information under section 1 or 2 of this chapter:

- (1) shall release the information to employees of the school having responsibility for classroom instruction with the child; and**
- (2) shall release the information to employees of the school having responsibility for school safety.**

Sec. 4. Information released under this chapter may not become part of the child's school records.

SECTION 14. [EFFECTIVE JULY 1, 2001] (a) To the extent that IC 20-6.1-6-1, as amended by this act, and IC 20-6.1-6-18, as added by this act, conflict with the terms of a collective bargaining agreement under IC 20-7.5, IC 20-6.1-6-1, as amended by this act, and IC 20-6.1-6-18, as added by this act, apply to a collective bargaining agreement that is entered into, amended, or renewed under IC 20-7.5 after June 30, 2001.

(b) The amendments to IC 35-45-2-1 made by this act apply only to offenses committed after June 30, 2001."

Renumber all SECTIONS consecutively.

(Reference is to ESB 33 as printed April 9, 2001.)

L. LAWSON

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question was on the motion of Representative L. Lawson. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 50

Representative Klinker called down Engrossed Senate Bill 50 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 96

Representative Kuzman called down Engrossed Senate Bill 96 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 96-1)

Mr. Speaker: I move that Engrossed Senate Bill 96 be amended to read as follows:

Page 21, delete lines 31 through 42.

Delete pages 22 through 23.

Page 24, delete lines 1 through 20.

Page 31, line 14, delete "If the church tenders a waiver and it is accepted by the" and insert "**If the commission determines that the church does not object,**"

Page 31, line 15, delete "commission,"

Page 31, line 15, delete "does" and insert "**and IC 7.1-3-21-10 do**".

Page 40, line 30, strike "paved".

Renumber all SECTIONS consecutively.
(Reference is to ESB 96 as printed April 9, 2001.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 165

Representative Porter called down Engrossed Senate Bill 165 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 165-6)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Page 29, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 22. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. The evaluation of a principal's performance may not be based wholly on the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.**"

Renumber all SECTIONS consecutively.
(Reference is to ESB 165 as printed April 9, 2001.)

V. SMITH

Motion failed.

HOUSE MOTION (Amendment 165-5)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Page 29, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 22. IC 20-6.1-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3. (a) The board shall designate:**

- (1) the grade average required for each kind of license; and
- (2) the kinds of license to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The board shall determine details of licensing not provided in this chapter. These details may include requirements regarding:

- (1) the conversion of one kind of license into another;
- (2) the accreditation of teacher training schools and departments;
- (3) the exchange and renewal of licenses;
- (4) the endorsement of another state's license;
- (5) the acceptance of credentials from teacher training institutions of another state;
- (6) the academic and professional preparation for each kind of license;
- (7) the granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license;
- (8) the issuance of licenses on credentials;
- (9) the kind of license for each school position;
- (10) the size of an elementary school requiring a licensed principal; and
- (11) the transition to teaching program established by section 11 of this chapter; and**
- (12) other related matters.**

However, the board shall, not later than December 31, 1984, establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) The board shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the kinds of licenses issued;
- (3) the rules governing the issuance of each kind of license; and
- (4) other similar matters.

SECTION 23. IC 20-6.1-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 11. (a) As used in this section, "program" refers to the transition to teaching program established by subsection (b).**

(b) The transition to teaching program is established to accomplish the following:

- (1) Facilitate the transition into the teaching profession of competent professionals in fields other than teaching.**
- (2) Allow competent professionals who do not hold a teaching license to earn and be issued a teaching license through participation in and satisfactory completion of the program.**
- (c) Subject to the requirements of this section, the board shall develop and administer the program. The board shall determine the details of the program that are not included in this section.**

(d) Each accredited teacher training school and department shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this subsection must comply with the following requirements:

- (1) Include twenty-seven (27) credit hours of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under subsection (e), unless:**
 - (A) the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching; and**
 - (B) the teacher training school or department waives a part of the required hours of study.**
- (2) Focus on the communication of knowledge to students.**
- (3) Include suitable field or classroom experiences if the program participant does not have teaching experience.**

(e) A person who wishes to participate in the program must have one (1) of the following qualifications:

- (1) A bachelor's degree or the equivalent with a grade point average of three (3.0) on a four (4.0) scale from an accredited institution of higher education in the subject area that the person intends to teach.**
- (2) A graduate degree from an accredited institution of higher education in the subject area that the person intends to teach.**
- (3) Both:**
 - (A) a bachelor's degree from an accredited institution of higher education; and**
 - (B) five (5) years of professional experience; in the subject area that the person intends to teach.**

(f) The board shall grant an initial standard license to a program participant who does the following:

- (1) Successfully completes six (6) credit hours of the higher education component of the program and agrees to complete the additional credit hours required under subsection (d)(1) not more than two (2) years after receiving an initial standard license under this subsection.**
- (2) Demonstrates proficiency through a written examination in:**
 - (A) basic reading, writing, and mathematics;**
 - (B) pedagogy; and**
 - (C) knowledge of the areas in which the program participant is required to have a license to teach; under section 10.1(a) of this chapter.**

(3) Participates successfully in a beginning teacher internship program under IC 20-6.1-8 that includes implementation in a classroom of the teaching skills learned in the higher education component of the program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher internship program from the administrator of the school where the beginning teacher internship program takes place, upon the recommendation of the participant's teacher mentor, or, if the program participant does not receive a successful assessment, participates in the beginning teacher internship program for a second year, as provided under IC 20-6.1-8-13. The appeals provisions of

IC 20-6.1-8-14 apply to an assessment under this subdivision.

(g) This subsection applies to a program participant who has a degree described in subsection (e) that does not include all the content areas of a standard license issued by the board. The board shall issue an initial standard license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

(h) A school corporation may hire a program participant to teach only in the subject area in which the participant meets the qualifications set forth under subsection (e). A school corporation may hire a program participant to teach only in grade 6 through grade 12.

(i) After receiving an initial standard license under subsection (f) or (g), a program participant who seeks to renew the participant's initial standard license must:

- (1) meet the same requirements as other candidates for license renewal; and
- (2) have successfully completed the additional credit hours of study according to the agreement under subsection (f)(1).

(j) The board shall revoke an initial standard license that is issued to a program participant under this section if the program participant does not successfully complete the additional credit hours of study according to the agreement under subsection (f)(1).

(k) The board may adopt rules under IC 4-22-2 to administer this section. Rules adopted under this subsection must include a requirement that accredited teacher training schools and departments submit an annual report to the board of the number of individuals who:

- (1) enroll in; and
- (2) complete;

the program."

Renumber all SECTIONS consecutively.

(Reference is to ESB 165 as printed April 9, 2001.)

V. SMITH

Upon request of Representatives V. Smith and C. Brown, the Speaker ordered the roll of the House to be called. Roll Call 481: yeas 31, nays 63. Motion failed.

HOUSE MOTION
(Amendment 165-4)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Page 14, delete lines 41 through 42, begin a new paragraph and insert:

"(b) The organizer may submit the decision of the sponsor for final and binding arbitration to an arbitrator appointed by the superintendent of public instruction. The decision of the arbitrator is the final decision on the acceptance or rejection of the proposal to establish a charter school. The sponsor shall pay the costs of the arbitration."

Page 15, delete lines 1 through 33

Page 28, delete lines 18 through 42, begin a new paragraph and insert:

"(b) The organizer may submit the decision of the sponsor for final and binding arbitration to an arbitrator appointed by the superintendent of public instruction. The decision of the arbitrator is the final decision on the acceptance or rejection of the proposal to establish a regional charter school. The sponsor shall pay the costs of the arbitration."

Page 29, delete lines 1 through 13.

(Reference is to ESB 165 as printed April 9, 2001.)

LIGGETT

Upon request of Representatives Liggett and Tincher, the Speaker ordered the roll of the House to be called. Roll Call 482: yeas 21, nays 78. Motion failed.

HOUSE MOTION
(Amendment 165-1)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Page 20, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 11. An employee of a charter school may not receive compensation that is greater than the compensation received by an employee in the same position or a similar position in a noncharter school that is located in the school corporation in which the charter school is located."

(Reference is to ESB 165 as printed April 9, 2001.)

CHENEY

Motion failed.

HOUSE MOTION
(Amendment 165-2)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Page 21, line 19, delete "organizer of a" and insert "sponsor of the charter school shall designate the source and manner of the funding of the charter school, but the funding may not be taken from the funds of the school corporation in which the charter school is located."

Page 21, delete lines 20 through 22.

(Reference is to ESB 165 as printed April 9, 2001.)

CHENEY

Motion failed.

HOUSE MOTION
(Amendment 165-10)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-3.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. "Assessment program" refers to the ~~ISTEP~~ assessment program created under IC 20-10.2-5 and a test approved by the board's plan developed under IC 20-3.1-7.

SECTION 2. IC 20-3.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. "Assessment test" refers to a test administered to students under the ~~ISTEP~~ assessment program created under IC 20-10.2-5.

SECTION 3. IC 20-3.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. "Designated grade level" refers to the grade levels tested under the ~~ISTEP~~ assessment program created under IC 20-10.2-5.

SECTION 4. IC 20-3.1-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. "Expected "Student performance improvement level" refers to a level of performance measure, used to place a school in academic receivership; established by the board at a level not less than one (1) standard deviation below the state average for:

- (1) student attendance rates;
- (2) remediation rates;
- (3) scores on assessment tests; and
- (4) graduation rates;

improvement in student academic achievement established by the board, which must be no less rigorous than the performance improvement level established by the assessment program developed under IC 20-10.2-5.

SECTION 5. IC 20-3.1-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. "State achievement standards" refers to the state achievement standards adopted under ~~IC 20-10.1-17~~ for the ~~ISTEP~~ program, for which the assessment program developed under IC 20-10.2-5 assesses students.

SECTION 6. IC 20-3.1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~The student performance measures described in sections 2 through 4 of this chapter~~ IC 20-10.2-5 applies to the school city and its schools. The student performance improvement levels developed under IC 20-3.1-8-1 shall be used by the board to:

- (1) assess;
- (2) report; and
- (3) improve;

the performance of schools, educators, and students in the school city.

SECTION 7. IC 20-3.1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The board shall use **the student performance objectives improvement levels developed under IC 20-3.1-8-1** to:

- (1) implement the ~~school board's~~ plan;
- (2) evaluate school performance;
- (3) publish annual reports; and
- (4) determine academic receivership under IC 20-3.1-14.

SECTION 8. IC 20-3.1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The board shall use **expected student performance improvement** levels to determine whether to place a school in academic receivership under IC 20-3.1-14.

SECTION 9. IC 20-3.1-6-5, AS AMENDED BY P.L.14-2000, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. Each school in the school city shall measure and record:

- (1) the school's **students'** achievement in reaching the school's **student performance objectives improvement levels** established under IC 20-3.1-8;
- (2) student achievement information for the school described in IC 20-1-21-9 and IC 20-1-21-9.5; and
- (3) teacher and administrative performance information for the school described in IC 20-1-21-9.5;

which in each case must be not less rigorous than the student performance improvement levels and information developed and required under IC 20-10.2-5.

SECTION 10. IC 20-3.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The board shall **modify**, develop, and implement a plan for the improvement of student achievement in the schools within the school city.

(b) A plan **modified**, developed, and implemented under this chapter must be consistent with this article **and with IC 20-10.2**.

SECTION 11. IC 20-3.1-7-2, AS AMENDED BY P.L.8-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The plan **modified**, developed, and implemented under this chapter must do the following:

- (1) Provide for efforts to increase support of the schools by the parents of students and the neighborhood communities surrounding the schools.
- (2) Establish **student performance objectives improvement levels for educators and students in each school within the school city that are not less rigorous than the student performance improvement levels developed under IC 20-10.5**.
- (3) Provide opportunity and support for the educators in each school to develop a school plan, including:
 - (A) traditional or innovative methods and approaches to improve student achievement; and
 - (B) efficient and cost effective management efforts in the school;

that are **consistent developed consistently with general guidelines established by the board. IC 20-3.1-9-1, and with the board's plan developed under this chapter.**

- (4) Require annual reports identifying the progress of student achievement for each school as described in IC 20-1-21-9 and IC 20-1-21-9.5.
- (5) Provide for the effective evaluation of each school within the school city and the school's educators, including the consideration of student achievement in the school.
- (6) Develop performance awards under IC 20-3.1-12 for extraordinary and outstanding performance by educators.
- (7) Provide a range of opportunity for remediation of students who:
 - (A) fail to meet state achievement standards; or
 - (B) are at risk of academic failure.

(7) Require action to raise the level of performance of a school if the school's students fail to achieve expected student performance improvement levels or performance objectives established for the school under IC 20-3.1-8-1.

SECTION 12. IC 20-3.1-7-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The board shall:

- (1) **modify**, develop, and publish the plan required under this chapter ~~not later than December 31, 1995; in compliance with the timelines of IC 20-10.2;~~ and
- (2) implement the **modified plan not later than July 1, 1996; in compliance with the timelines of IC 20-10.2.**

SECTION 13. IC 20-3.1-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The board shall **annually** assess and evaluate educational programs offered by the school city to determine:

- (1) the programs' relationship to improved student achievement; and
 - (2) the programs' educational value in relation to cost.
- (b) The board may obtain information from:
- (1) educators in the schools offering a program;
 - (2) students participating in the program; and
 - (3) the parents of students participating in the program;

in preparing an assessment and evaluation under this section. **The assessment must include the performance of the school's students in achieving student performance improvement levels under IC 20-10.2 and IC 20-3.1-8-1.**

SECTION 14. IC 20-3.1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The board shall establish annual **student performance objectives improvement levels** for each school **that are not less rigorous than the student performance improvement levels under IC 20-10.2**, including the following:

- (1) For students:
 - (A) improvement in ~~scores on statewide results on~~ assessment tests and assessment programs;
 - (B) improvement in attendance rates; and
 - (C) improvement in progress toward graduation.
- (2) For teachers:
 - (A) improvement in student ~~scores results~~ on assessment tests and assessment programs;
 - (B) improvement in the number and percentage of students achieving state achievement standards and, if applicable, performance levels set by the board, on assessment tests;
 - (C) improvement in student progress toward graduation;
 - (D) improvement in student attendance rates for the school year;
 - (E) improvement in individual teacher attendance rates;
 - (F) improvement in communication with parents and parental involvement in classroom and extracurricular activities; and
 - (G) other objectives developed by the board.
- (3) For the school and the school administrators:
 - (A) improvement in student ~~scores results~~ on assessment tests, aggregated by class and grade;
 - (B) improvement in the number and percentage of students achieving state achievement standards and, if applicable, performance levels set by the board, on assessment tests, aggregated by class and grade;
 - (C) improvement in student graduation rates and in progress toward graduation;
 - (D) improvement in student attendance rates;
 - (E) management of general fund expenditures per student and total expenditures per student;
 - (F) improvement in teacher attendance rates; and
 - (G) other objectives developed by the board.

SECTION 15. IC 20-3.1-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) **IC 20-10.2 applies to the school city. Beginning in the 2004-2005 school year, the composition of any local school improvement committee shall be determined under IC 20-10.2.**

~~(a)~~ (b) The plan developed and implemented by the board under IC 20-3.1-7 must contain general guidelines for decisions by the educators in each school to improve student achievement in the school.

(c) The board's plan shall provide for the publication to other schools within the school city and to the general community those processes, innovations, and approaches that have led individual

schools to significant improvement in student achievement.

SECTION 16. IC 20-3.1-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. A staff performance evaluation plan must do the following:

(1) Provide for evaluation of ~~each employee's the school's and the school's educators'~~ performance based upon ~~the school's students' performance improvement level under IC 20-3.1-8-1~~ including the following:

(A) For teachers:

- (i) the development and maintenance of parental involvement in classroom and extracurricular activities;
- (ii) Student achievement on assessment tests and assessment programs; and
- (iii) the teacher's attendance rates.

(B) For administrators:

- (i) student attendance rates;
- (ii) Graduation rates.
- (iii) the number of teachers for each student at the school;
- (iv) the number of certified administrators for each student at the school;
- (v) classroom expenditures per student as determined by a formula to be established by the board; and
- (vi)

(C) Scholastic aptitude test scores.

~~(D)~~ (D) Other objective standards developed by the board for measuring student, teacher, and administrator performance improvement consistent with state academic standards and student performance improvement levels developed under IC 20-3.1-8-1.

(2) Provide for the continuing professional development and improvement of the performance of the individuals evaluated.

(3) Require periodic assessment of the effectiveness of the plan.

~~(4) Provide that teachers receive an evaluation twice during each school year.~~

SECTION 17. IC 20-3.1-11-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. **IC 20-6.1-4-5 and IC 20-6.1-4-6 apply to certificated employees in the school city. A teacher's students' performance improvement levels under the assessment tests and programs of IC 20-10.2 may be used as a factor, but not the only factor, to evaluate the performance of a teacher in the school city.**

SECTION 18. IC 20-3.1-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~(a) Beginning with the 1996-1997 school year, the board may place a school in the school city in academic receivership if the school fails for any four (4) consecutive school years to meet expected performance levels.~~

~~(b) In addition to the consequences of IC 20-10.2-6 and beginning with the 1996-1997 2002-2003 school year, the board shall place a school in the school city in academic receivership if the school fails for any two (2) consecutive school years to:~~

- ~~(1) meet expected student performance improvement levels, and~~
- ~~(2) achieve the performance objectives established by the board for the school under IC 20-3.1-8.~~

SECTION 19. IC 20-3.1-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) If a school is placed in academic receivership, the superintendent and the board must take action to raise the school's level of performance. ~~on each of the performance indicators listed in section 1 of this chapter.~~

~~(b) In addition to the consequences of IC 20-10.2-6,~~ the actions that the superintendent and the board may take to raise the performance of a school in academic receivership include the following:

- (1) Shifting resources of the school city to the school.
- (2) Changing or removing the school principal, teachers, administrators, or other staff.
- (3) Establishing a new educational plan for the school.
- (4) Requiring the superintendent or another school city appointee to administer the school until the academic receivership status of the school is removed.
- (5) Contracting with a for-profit or nonprofit organization or individual to manage the school.

(6) Closing the school.

(7) Any other management, personnel, or policy changes that the superintendent and board expect in the following school year to:

(A) raise the performance of the school; and

(B) avoid continuing academic receivership status for the school.

(c) The provisions of this chapter, if inconsistent with any other law relating to education, teachers, or common schools, govern.

SECTION 20. IC 20-3.1-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. To provide the board with the necessary flexibility and resources to carry out this article, the following apply:

(1) The board may eliminate or modify existing policies and create new policies, and alter policies from time to time, subject to this article and the plan developed under IC 20-3.1-7.

~~(2) IC 20-7.5 does not apply to matters set forth in this article. The matters set forth in this article may not be the subject of collective bargaining or discussion under IC 20-7.5.~~

~~(3) An exclusive representative certified under IC 20-7.5 to represent certified employees of the school city, or any other entity voluntarily recognized by the board as a representative of employees providing educational services in the schools, may bargain collectively only concerning salary, wages, and salary and wage related fringe benefits. The exclusive representative may not bargain collectively or discuss performance awards under IC 20-3.1-12. Beginning on July 1, 2001, IC 20-7.5 applies to the school city.~~

~~(4) (3)~~ The board of school commissioners may waive the following statutes and rules for any school in the school city without the need for administrative, regulatory, or legislative approval:

(A) The following rules concerning curriculum and instructional time:

- 511 IAC 6.1-3-4
- 511 IAC 6.1-5-0.5
- 511 IAC 6.1-5-1
- 511 IAC 6.1-5-2.5
- 511 IAC 6.1-5-3.5
- 511 IAC 6.1-5-4

(B) The following rules concerning pupil/teacher ratios:

- 511 IAC 6-2-1(b)(2)
- 511 IAC 6.1-4-1

(C) The following statutes and rules concerning textbooks, and rules adopted under the statutes:

- IC 20-10.1-9-1
- IC 20-10.1-9-18
- IC 20-10.1-9-21
- IC 20-10.1-9-23
- IC 20-10.1-9-27
- IC 20-10.1-10-1
- IC 20-10.1-10-2
- 511 IAC 6.1-5-5

(D) The following rules concerning school principals:

- 511 IAC 6-2-1(c)(4)
- 511 IAC 6.1-4-2

(E) 511 IAC 2-2, concerning school construction and remodeling.

~~(5) (4)~~ Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

- (i) professional development; or
- (ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation among any account of the school corporation, including a professional development and technology fund established under clause (B).

(5) Transfer funds obtained from property taxation among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this clause.

(B) This clause does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).

SECTION 21. IC 20-5.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 5.5. CHARTER SCHOOLS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" refers to the Indiana state board of education established by IC 20-1-1-1.

Sec. 3. "Charter" means a contract between an organizer and a sponsor for the establishment of a charter school.

Sec. 4. "Charter school" means a public elementary school or secondary school established under this article that:

- (1) is nonsectarian and nonreligious; and
- (2) operates under a charter.

Sec. 5. "Conversion charter school" means a charter school established under IC 20-5.5-11 by the conversion of an existing school into a charter school. "Existing school" includes a new school to which students from other schools in the school corporation are assigned or transferred.

Sec. 6. "Department" refers to the department of education established by IC 20-1-1.1-2.

Sec. 7. "Elementary school" has the meaning set forth in IC 20-10.1-1-15.

Sec. 8. "Governing body" has the meaning set forth in IC 20-10.1-1-5.

Sec. 9. "Organizer" means a group or an entity that:

- (1) has been determined by the Internal Revenue Service to be operating under not-for-profit status or has applied for such determination; and
- (2) enters into a contract under this article to operate a charter school.

Sec. 10. "Parent" has the meaning set forth in IC 20-1-1.8-8.

Sec. 11. "Proposal" refers to a proposal from an organizer to establish a charter school.

Sec. 12. "Public school" has the meaning set forth in IC 20-10.1-1-2.

Sec. 13. "School corporation" has the meaning set forth in IC 20-10.1-1-1.

Sec. 14. "Secondary school" means a high school (as defined in IC 20-10.1-1-16).

Sec. 15. "Sponsor" means the following:

- (1) For a charter school, one (1) of the following:
 - (A) A governing body.
 - (B) A state educational institution (as defined in IC 20-12-0.5-1) that offers a four (4) year baccalaureate degree.
 - (C) The executive (as defined in IC 36-1-2-5) of a consolidated city.

Sec. 16. "Teacher" has the meaning set forth in IC 20-6.1-1-8.

Chapter 2. Description

Sec. 1. A charter school may be established under this article to provide innovative and autonomous programs that do the following:

- (1) Serve the different learning styles and needs of public school students.
- (2) Offer public school students appropriate and innovative choices.
- (3) Afford varied opportunities for professional educators.

(4) Allow public schools freedom and flexibility in exchange for exceptional levels of accountability.

(5) Provide parents, students, community members, and local entities with an expanded opportunity for involvement in the public school system.

Sec. 2. A charter school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.

Chapter 3. Establishment

Sec. 1. A sponsor may grant a charter to an organizer to operate a charter school under this article.

Sec. 2. A sponsor may not grant a charter to a for-profit organizer.

Sec. 3. The organizer's constitution, chapter, articles, or bylaws must contain a clause that provides that upon dissolution:

- (1) all remaining assets, except funds specified in subsection (2), shall be used for nonprofit educational purposes; and
- (2) remaining funds received from the department shall be returned to the department not more than thirty (30) days after dissolution.

Sec. 3. (a) An organizer may submit to the sponsor a proposal to establish a charter school.

(b) A proposal must contain at least the following information:

- (1) Identification of the organizer.
- (2) A description of the organizer's organizational structure and governance plan.
- (3) The following information for the proposed charter school:
 - (A) Name.
 - (B) Purposes.
 - (C) Governance structure.
 - (D) Management structure.
 - (E) Educational mission goals.
 - (F) Curriculum and instructional methods.
 - (G) Methods of pupil assessment.
 - (H) Admission policy and criteria, subject to IC 20-5.5-5.
 - (I) School calendar.
 - (J) Age or grade range of pupils to be enrolled.
 - (K) A description of staff responsibilities.
 - (L) A description and the address of the physical plant.
 - (M) Budget and financial plans.
 - (N) Personnel plan, including methods for selection, retention, and compensation of employees.
 - (O) Transportation plan.
 - (P) Discipline program.
 - (Q) Plan for compliance with any applicable desegregation order.
- (4) The date when the charter school is expected to:
 - (i) begin school operations; and
 - (ii) have students in attendance at the charter school.
- (5) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.

(4) The manner in which an annual audit of the program operations of the charter school is to be conducted by the sponsor.

(c) This section does not waive, limit, or modify the provisions of:

- (1) IC 20-7.5 in a charter school where the teachers have chosen to organize under IC 20-7.5; or
- (2) an existing collective bargaining agreement for noncertified employees (as defined in IC 20-7.5-1-2.).

Sec. 4. This subsection applies only to a sponsor that is the executive of a consolidated city. Before issuing a charter, the sponsor must receive the approval of a majority of the members of the legislative body (as defined in IC 36-1-2-9) of the consolidated city for

the establishment of a charter school. The sponsor may issue charters for charter schools located within the consolidated city.

Sec. 5. (a) Except as provided in subsection (b), if a governing body grants a charter to establish a charter school, the governing body must provide a noncharter school that students of the same age or grade levels may attend.

(b) The department may waive the requirement that a governing body provide a noncharter school under subsection (a) upon the request of the governing body.

Sec. 6. The sponsor may revoke the charter of a charter school that does not, by the date specified in the charter:

- (1) begin school operations; and
- (2) have students in attendance at the charter school.

Sec. 7. Before granting a charter under which more than fifty percent (50%) of the students in the school corporation will attend a charter school, a governing body must receive the approval of the department.

Sec. 8. A sponsor must notify an organizer who submits a proposal under section 3 of this chapter of:

- (1) the acceptance of the proposal; or
- (2) the rejection of the proposal;

not later than sixty (60) days after the organizer submits the proposal.

Sec. 9. (a) A sponsor must notify the department of the following:

- (1) The receipt of a proposal.
- (2) The acceptance of a proposal.
- (3) The rejection of a proposal, including the reasons for the rejection.

(b) The department shall annually do the following:

- (1) Compile the information received under subsection (a) into a report.
- (2) Submit the report to the legislative council.

Sec. 10. If a sponsor rejects a charter school proposal, the organizer may:

- (1) amend the charter school proposal and resubmit the proposal to the same sponsor;
- (2) submit a charter school proposal to another sponsor; or
- (3) appeal the decision to the charter school review panel created in section 11 of this chapter.

Sec. 11. (a) This section applies if the sponsor rejects a proposal.

(b) The organizer may appeal the decision of the sponsor to the charter school review panel created under subsection (c).

(c) The charter school review panel is created. The members of the panel are:

- (1) the governor or his designee;
- (2) the superintendent of public instruction, who shall chair the panel;
- (3) a member of the board appointed by the superintendent of public instruction;
- (4) a person with financial management experience appointed by the governor; and
- (5) a community leader with knowledge of charter school issues appointed jointly by the governor and the superintendent of public instruction.

Members shall serve a two (2) year term and may be reappointed to the panel upon expiration of their terms.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's proposal and the sponsor's reasons for rejecting the proposal. The panel must allow the organizer and sponsor to participate in the meeting.

(f) After the panel meets under subsection (d), the panel shall make one (1) of the following three (3) findings and issue the finding to the organizer and the sponsor:

- (1) A finding that supports the sponsor's rejection of the proposal.
- (2) A finding that:
 - (A) recommends that the organizer amend the proposal; and
 - (B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.

(3) A finding that approves the proposal.

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) If the panel makes a finding described in subsection (e)(1) the finding is final.

(h) If the panel makes a finding described in subsection (e)(2) the organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.

(i) If the panel makes a finding described in subsection (e)(3) then the proposal is considered conditionally approved. The approval shall be considered final upon the delivery to the panel of written notice from the organizer and an eligible sponsor, as identified in chapter 1, section 14 of this article, that the sponsor has agreed to serve as a sponsor for the proposal approved by the panel.

(j) Proposals approved under this section shall not be counted under any numerical limits placed upon a sponsor or set of sponsors.

Sec. 12. (a) The department shall monitor the number of charter schools approved by universities;

(b) Within six (6) months after twenty (20) charter schools have been approved by universities, the department shall issue a report to the charter school review panel identifying:

- (1) the purpose and organization of all charter schools sponsored by universities;
- (2) the procedure by which charter schools have been approved and monitored by university sponsors; and
- (3) recommendations regarding the future of university sponsorships.

(c) The report completed under subsection (b) shall be submitted to the legislative council.

Sec. 13. (a) This section applies to university sponsors.

(b) The ultimate responsibility for choosing to sponsor a charter school and responsibilities for maintaining sponsorship shall rest with the university's board of trustees.

(c) Notwithstanding subsection (b), the university's board of trustees may vote to assign sponsorship authority and sponsorship responsibilities to another person or entity that functions under the direction of the university's board. Any decisions made under this subsection shall be communicated in writing to the department of education and the charter school review panel.

Sec. 14. (a) This section applies to charter schools sponsored by the mayor of a consolidated city.

(b) The number of charter schools shall be not more than five (5) during the 2001 calendar year.

(c) Each subsequent year, the maximum number of charter schools shall increase by five (5).

(d) The limits resulting from subsections (b) and (c) shall be cumulative from year to year.

Sec. 15. No entity or multiple divisions of the same entity may serve simultaneously as both the organizer and the sponsor of the same charter school.

Chapter 4. The Charter

Sec. 1. A charter must do the following:

- (1) Be a written instrument.
- (2) Be executed by a sponsor and an organizer.
- (3) Confer certain rights, franchises, privileges, and obligations on a charter school.
- (4) Confirm the status of a charter school as a public school.
- (5) Be granted for:
 - (A) not less than three (3) years; and
 - (B) a fixed number of years agreed to by the sponsor and the organizer.
- (6) Provide for:
 - (A) a review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect; and
 - (B) renewal, if the sponsor and the organizer agree to renew the charter.
- (7) Specify the grounds for the sponsor to:
 - (A) revoke the charter before the end of the term for which

the charter is granted; or
(B) not renew a charter.

(8) Set forth the methods by which the charter school is held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of improvement in assessment measures, including ISTEP and Graduation Qualifying Exam, attendance rates, graduation rates (if appropriate), increased numbers of Core 40 diplomas (if appropriate), and increased numbers of academic honors diplomas (if appropriate).

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the sponsor and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.

(11) Describe specific operating requirements, including all of the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:

(A) begin school operations; and

(B) have students in attendance at the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or sponsor that relate to compliance by the operator with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

Chapter 5. Student Admissions and Enrollment

Sec. 1. Except as provided in this chapter, a nonconversion charter school must be open to any student who resides in Indiana. A student may attend a charter school outside the district in which the student resides if the parent determines that an academic program at the charter school would enhance the student's academic opportunities. If the governing body in which the student resides determines that such a transfer would not improve the student's academic opportunities, the governing body may appeal to the board. Within forty-five (45) days of receiving the appeal, the board shall conduct a hearing and decide whether to uphold or reverse the parent's decision to enroll in the charter school. During the board's consideration, the parents of the student shall be allowed to testify, but the governing body shall have the burden of proof for demonstrating that the charter school does not provide additional or unique academic opportunities that exceed those available at the school corporation.

Sec. 2. Except as provided in this chapter, a conversion charter school must be open to any student residing in the local school corporation. By joint agreement of the sponsor and organizer, a conversion charter school may open its enrollment to students outside of the local school corporation.

Sec. 3. Except as provided in this chapter, a charter school may not establish admission policies or limit student admissions in any manner in which a public school is not permitted to establish admission policies or limit student admissions.

Sec. 4. (a) Except as provided in subsections (b), (c), and (d), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission.

(c) A charter school may limit new admissions to the charter school to:

(1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years; and

(2) allow the siblings of a student who attends a charter school to attend the charter school.

(d) This subsection applies to an existing school that converts to a charter school under IC 20-5.5-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

(1) those students who were enrolled in the charter school on the date of the conversion; and

(2) siblings of students described in subdivision (1).

Chapter 6. Employment

Sec. 1. Individuals who work at a charter school are employees of the charter school or of an entity with which the charter school has contracted to provide services.

Sec. 2. Individuals must choose to be teachers at a charter school voluntarily, and a charter school shall voluntarily choose such individuals to be its teachers.

Sec. 3. Employees of a charter school may organize and bargain collectively under IC 20-7-5.

Sec. 4. (a) This section applies to a conversion charter school.

(b) After the conversion, the teachers in a conversion charter school remain part of the bargaining unit of the sponsor and are subject to all the provisions of the collective bargaining agreement.

(c) The governing body, the equivalent body of the conversion charter school, and the exclusive representative may by mutual agreement grant a waiver of a specific provision of the collective bargaining agreement.

(d) Noncertificated employees (as defined in IC 20-7.5-1-2) shall remain in existing bargaining units and are covered under existing collective bargaining agreements.

Sec. 5 (a) An individual who teaches in a charter school must either:

(1) hold a license to teach in a public school in Indiana under IC 20-6.1-3; or

(2) be in the process of obtaining a license to teach in a public school in Indiana under the transition to teaching program set forth in IC 20-6.1-3-11.

(b) An individual described in subsection (a)(2) must complete the transition to teaching program not later than three (3) years after beginning to teach at a charter school.

(c) An individual who provides a service to students in a charter school:

(1) that is not teaching; and

(2) for which a license is required under Indiana law; must have the appropriate license to provide the service in Indiana.

Sec. 6. A charter school may employ a substitute teacher or an individual who holds a limited license to teach in the same manner in which a noncharter public school may employ a substitute teacher or an individual who holds a limited license to teach.

Sec. 7. (a) A charter school shall participate in the following:

(1) The Indiana state teachers' retirement fund in accordance with IC 21-6.1.

(2) The public employees' retirement fund in accordance with IC 5-10.3.

(b) A person who teaches in a charter school is a member of the Indiana state teachers' retirement fund. Service in a charter school is creditable service for purposes of IC 21-6.1.

(c) A person who:

(1) is a local school employee of a charter school; and

(2) is not eligible to participate in the Indiana state teachers' retirement fund;

is a member of the public employees' retirement fund.

(d) The boards of the Indiana state teachers' retirement fund and the public employees' retirement fund shall implement this section through the organizer of the charter school, subject to and conditioned upon receiving any approvals either board considers appropriate from the Internal Revenue Service and the United States

Department of Labor.

Sec. 8. The decision by a sponsor whether to grant a charter shall not be subject to restraint by the collective bargaining agreement.

Sec. 9. As a school corporation grants a charter to a charter school and individuals choose and are chosen by the charter school to teach in the charter school, the school corporation may make personnel adjustments among its noncharter school teachers that the school corporation believes are necessary or appropriate to match existing resources with existing needs in its noncharter schools. If, as part of such adjustments, the school corporation eliminates a teaching position within the corporation, the legal or contractual provisions, if any, otherwise applicable to the teacher in one (1) of its noncharter schools whose contract with the school corporation is canceled as a result of the elimination of the position within the school corporation shall continue to apply to that teacher.

Sec. 10. (a) The governing body:

- (1) must grant a transfer of not more than two (2) years; and
- (2) may grant a transfer for a period of time in addition to the period required in subdivision (1);

to a teacher of a noncharter school in the school corporation who wishes to teach and has been accepted to teach at a nonconversion charter school.

(b) During the term of the transfer under subsection (a):

- (1) the teacher's seniority status under law continues as if the teacher were an employee of a noncharter school in the school corporation; and
- (2) the teacher's years as a charter school employee shall not be considered for purposes of permanent or semipermanent status with the school corporation under IC 20-6.1-4.

Chapter 7. Fiscal Matters

Sec. 1. (a) The organizer is the fiscal agent for the charter school.

(b) The organizer has exclusive control of:

- (1) funds received by the charter school; and
- (2) financial matters of the charter school.

(c) The organizer shall maintain separate accountings of all funds received and disbursed by the charter school.

Sec. 2. For purposes of computing:

- (1) state tuition support;
- (2) state funding for any purpose; or
- (3) local funding for any purpose except capital projects;

a charter school student is counted in the same manner as a student of the school corporation in which the charter school student resides.

Sec. 3. (a) Not later than the date established by the department for determining average daily membership under IC 21-3-1.6-1.1(d), the organizer shall submit to the department the following information:

- (1) The number of students enrolled in the charter school.
- (2) The name of each student and the school corporation in which the student resides.

(b) After verifying the accuracy of the information reported under subsection (a), the department shall distribute the following to the organizer:

- (1) Tuition support and other state funding for any purpose for students in the charter school.
- (2) A proportionate share of state and federal funds received for students with disabilities or staff services for students with disabilities for the students with disabilities enrolled in the charter school.
- (3) A proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state aid enrolled in the charter school.

(c) Not later than the date established by the department for determining average daily membership under IC 21-3-1.6-1.1(d), the organizer shall submit to each governing body a report of the total number and names of students from the governing body's school corporation enrolled in the charter school. Upon verifying the accuracy of the information reported, the governing body shall distribute to the organizer a proportionate share of local support for the students enrolled in the charter school in an amount determined under STEP THREE of the following formula:

STEP ONE: Add the revenues obtained by the school

corporation's:

(A) general fund property tax levy; and

(B) general fund auto excise and financial institutions tax.
STEP TWO: Divide the sum determined under STEP ONE by the total number of students enrolled in the school corporation.
STEP THREE: Multiply the quotient determined under STEP TWO by the number of students enrolled in the charter school.

(d) The distribution under subsection (b) shall be made on the same schedule as the schedule on which the school corporation receives the funds.

Sec. 4. (a) Services that a school corporation provides to a charter school, including transportation, may be provided at not more than one hundred three percent (103%) of the actual cost of the services.

(b) This subsection applies to a sponsor that is a state educational institution described in IC 20-5.5-1-14(1)(B). A state educational institution may receive from the organizer of a charter school sponsored by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the governing body distributes under sections 3(b)(1) and 3(c) of this chapter.

Sec. 5. An organizer may apply for and accept for a charter school:

- (1) independent financial grants; or
- (2) funds from public or private sources other than the department.

Sec. 6. With the approval of a majority of the members of the governing body, a school corporation may distribute a proportionate share of the school corporation's capital project fund to a charter school.

Sec. 7. When a charter school uses public funds for the construction, reconstruction, alteration or renovation of a public building, bidding and wage determination laws and all other statutes and rules shall apply.

Sec. 8. A sponsor may request and receive financial reports concerning a charter school from the organizer at any time.

Chapter 8. Powers and Exemptions

Sec. 1. A charter school may do the following:

- (1) Sue and be sued in its own name.
- (2) For educational purposes, acquire real and personal property or an interest in real and personal property by purchase, gift, grant, devise, or bequest.
- (3) Convey property.
- (4) Enter into contracts in its own name, including contracts for services.

Sec. 2. A charter school may not do the following:

- (1) Operate at a site or for grades other than as specified in the charter.
- (2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:
 - (A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or
 - (B) a latch key program; if the charter school provides those programs.
- (3) Except for a foreign exchange student who is not a United States citizen, enroll a pupil who is not a resident of Indiana.
- (4) Be located in a private residence.
- (5) Provide home based instruction.

Sec. 3. For each charter school established under this article, the charter school and the organizer are accountable to the sponsor for ensuring compliance with:

- (1) applicable federal and state laws;
- (2) the charter; and
- (3) the Constitution of the State of Indiana.

Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

- (1) Any Indiana statute applicable to a governing body or school corporation.
- (2) A rule or guideline adopted by the Indiana state board of education.

(3) A rule or guideline adopted by the professional standards board (established by IC 20-1-1.4-2), except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-1-1.5 (unified accounting system).
- (3) IC 20-1-6 (special education).
- (4) IC 20-5-2-7 and IC 20-6.1-3-7.1 (criminal history).
- (5) IC 20-5-2-3 (subject to laws requiring regulation by state agencies).
- (6) IC 20-6.1-4-15 (void teacher contract when two (2) contracts are signed).
- (7) IC 20-6.1-6-11 (nondiscrimination for teacher marital status).
- (8) IC 20-6.1-6-13 (teacher freedom of association).
- (9) IC 20-6.1-6-15 (school counselor immunity).
- (10) For conversion charter schools only, IC 20-6.1-4, IC 20-6.1-5 and IC 20-6.1-6.
- (11) IC 20-8.1-3 (compulsory school attendance).
- (12) IC 20-8.1-4 (limitations on employment of children).
- (13) IC 20-8.1-5.1-13, IC 20-8.1-5.1-15, and IC 20-8.1-5.1-15.5 (student due process and judicial review).
- (14) IC 20-8.1-5.1-10 (firearms and deadly weapons).
- (15) IC 20-8.1-7 and IC 20-8.1-8 (health and safety measures).
- (16) IC 20-8.1-9-3 (exemption from school fees for eligible families and fee reimbursement).
- (17) IC 20-8.1-9-5 (notice to parents concerning financial assistance).
- (18) IC 20-8.1-12 (reporting of student violations of law).
- (19) IC 20-10.1-2-4 and IC 20-10.1-2-6 (patriotic commemorative observances).
- (20) IC 20-10.1-16, IC 20-10.1-17, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).
- (21) IC 20-10.1-22.4 (parental access to education records).
- (22) IC 20-10.2 (accountability for school performance and improvement).

Sec. 6. (a) A charter school may not duplicate a Bureau of Apprenticeship and Training (BAT) approved Building Trades apprenticeship program.

(b) A student in a charter school may not be excluded from participating in a BAT approved Building Trades apprenticeship program that is offered in a non-charter school.

Chapter 9. Oversight and Revocation

Sec. 1. An organizer that has established a charter school shall submit an annual report to the department for informational and research purposes.

Sec. 2. An annual report under this chapter must contain the following information for a charter school:

- (1) Results of all standardized testing, including ISTEP and Graduation Qualifying Exam.
- (2) A description of the educational methods and teaching methods employed.
- (3) Daily attendance records.
- (4) Graduation statistics (if appropriate), including attainment of Core 40 and Academic Honors Diplomas.
- (5) Student enrollment data, including the following:
 - (A) The number of students enrolled.
 - (B) The number of students expelled.
 - (C) The number of students who discontinued attendance at the charter school and the reasons for the discontinuation.

Sec. 3. The sponsor shall oversee a charter school's compliance with:

- (1) the charter; and
- (2) all applicable laws.

Sec. 4. Notwithstanding the provisions of the charter, a sponsor

that grants a charter may revoke the charter at any time before the expiration of the term of the charter if the sponsor determines that at least one (1) of the following occurs:

- (1) The organizer fails to comply with the conditions established in the charter.
- (2) The charter school established by the organizer fails to meet the educational goals set forth in the charter.
- (3) The organizer fails to comply with all applicable laws.
- (4) The organizer fails to meet generally accepted government accounting principles.
- (5) One (1) or more grounds for revocation exist as specified in the charter.

Sec. 5. A charter school shall report the following to the sponsor:

- (1) Attendance records.
- (2) Student performance data.
- (3) Financial information.
- (4) Any information necessary to comply with state and federal government requirements.
- (5) Any other information specified in the charter.

Sec. 6. The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-1-21-8 in the same manner that a school corporation publishes an annual report under IC 20-1-21.

Chapter 10. Student Transfers From Charter Schools

Sec. 1. A public noncharter school that receives a transfer student from a charter school may not discriminate against the student in any way, including placing the student:

- (1) in an inappropriate age group according to the student's ability;
- (2) below the student's abilities; or
- (3) in a class where the student has already mastered the subject matter.

Chapter 11. Conversion of Existing Schools Into Charter Schools

Sec. 1. An existing public elementary or secondary school may be converted into a charter school if the following conditions apply:

- (1) At least sixty percent (60%) of the teachers at the school have signed a petition requesting the conversion.
- (2) At least fifty-one percent (51%) of the parents of students at the school have signed a petition requesting the conversion.

Sec. 2. If the conditions of section 1 of this chapter are met, the teachers and parents may appoint a committee to act as organizers for the charter school.

Sec. 3. The organizers shall submit a proposal under IC 20-5.5-3 to the governing body of the school corporation in which an existing elementary or secondary school is located to convert the existing school into a charter school.

Sec. 4. Only the governing body of the school corporation in which an existing public elementary or secondary school that seeks conversion to a charter school is located may act as the sponsor of the conversion charter school.

SECTION 22. IC 20-6.1-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) As used in this section, "program" refers to the transition to teaching program established by subsection (b).

(b) The transition to teaching program is established to accomplish the following:

- (1) Facilitate the transition into the teaching profession of competent professionals in fields other than teaching.
- (2) Allow competent professionals who do not hold a teaching license to earn and be issued a teaching license through participation in and satisfactory completion of the program.
- (c) Subject to the requirements of this section, the board shall develop and administer the program. The board shall determine the details of the program that are not included in this section.
- (d) Each accredited teacher training school and department shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this subsection must comply with the following requirements:

- (1) Include the following study requirements:

- (A) For a program participant who seeks to obtain a license

to teach in grade 6 through grade 12, up to eighteen (18) credit hours of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under subsection (e), unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in the teaching of reading, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on the communication of knowledge to students.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

(e) A person who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grade 6 through grade 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of three (3.0) on a four (4.0) scale from an accredited institution of higher education in the subject area that the person intends to teach.

(B) A graduate degree from an accredited institution of higher education in the subject area that the person intends to teach.

(C) Both:

(i) a bachelor's degree from an accredited institution of higher education with a grade point average of two and five-tenths (2.5) on a four (4) point scale; and

(ii) five (5) years of professional experience in the subject area that the person intends to teach.

(2) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of three (3.0) on a four (4.0) scale from an accredited institution of higher education.

(B) Both:

(i) a bachelor's degree from an accredited institution of higher education with a grade point average of two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years of professional experience in an education-related field.

(f) The board shall grant an initial standard license to a program participant who does the following:

(1) Successfully completes the higher education component of the program.

(2) Demonstrates proficiency through a written examination in:

(A) basic reading, writing, and mathematics;

(B) pedagogy; and

(C) knowledge of the areas in which the program participant is required to have a license to teach; under section 10.1(a) of this chapter.

(3) Participates successfully in a beginning teacher internship program under IC 20-6.1-8 that includes implementation in a classroom of the teaching skills learned in the higher education component of the program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher internship program from the administrator of the school where the beginning teacher internship program takes place, or, if the program participant does not receive a successful assessment, participates in the beginning teacher internship program for a second year, as provided under IC 20-6.1-8-13. The appeals provisions of IC 20-6.1-8-14 apply to an assessment under this subdivision.

(g) This subsection applies to a program participant who has a degree described in subsection (e) that does not include all the content areas of a standard license issued by the board. The board shall issue an initial standard license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

(h) A school corporation may hire a program participant to teach only in the subject area in which the participant meets the qualifications set forth under subsection (e).

(i) After receiving an initial standard license under subsection (f) or (g), a program participant who seeks to renew the participant's initial standard license must meet the same requirements as other candidates for license renewal.

(j) The board may adopt rules under IC 4-22-2 to administer this section. Rules adopted under this subsection must include a requirement that accredited teacher training schools and departments submit an annual report to the board of the number of individuals who:

(1) enroll in; and

(2) complete;

the program.

SECTION 23. IC 20-7.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law and, in the case of public vocational schools or schools for children with disabilities established or maintained by two (2) or more school corporations, shall refer to such schools.

(b) "Governing body" ~~shall mean~~ means:

(1) the board or commission charged by law with the responsibility of administering the affairs of the school corporation; or

(2) the body that administers a charter school established under IC 20-5.5.

(c) "School employer" means:

(1) the governing body of each:

(A) school corporation; or

(B) charter school established under IC 20-5.5; and

(2) any person or persons authorized to act for the governing body of the school employer in dealing with its employees.

(d) "Superintendent" shall mean:

(1) the chief administrative officer of any:

(A) school corporation, or

(B) charter school established under IC 20-5.5; or

(2) any person or persons designated by the officer or by the governing body to act in the officer's behalf in dealing with school employees.

(e) "School employee" means any full-time certificated person in the employment of the school employer. A school employee shall be considered full time even though the employee does not work during school vacation periods, and accordingly works less than a full year. There shall be excluded from the meaning of school employee supervisors, confidential employees, employees performing security work and noncertificated employees.

(f) "Certificated employee" means a person:

(1) whose contract with the school corporation requires that ~~he~~ **the person** hold a license or permit from the state board of education or a commission thereof as provided in IC 20-6.1; or

(2) who is employed as a teacher by a charter school established under IC 20-5.5.

(g) "Noncertificated employee" means any school employee whose employment is not dependent upon the holding of a license or permit as provided in IC 20-6.1.

(h) "Supervisor" means any individual who has:

(1) authority, acting for the school corporation, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline school employees;

(2) responsibility to direct school employees and adjust their grievances; or

(3) responsibility to effectively recommend the action described in **subsections subdivisions** (1) through (2); that is not of a merely routine or clerical nature but requires the use of independent judgment. The term includes superintendents, assistant superintendents, business managers and supervisors, directors with school corporation-wide responsibilities, principals and vice principals, and department heads who have responsibility for evaluating teachers.

(i) "Confidential employee" means a school employee whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the school corporation and its employees would make the confidential employee's membership in a school employee organization incompatible with the employee's official duties.

(j) "Employees performing security work" means any school employee whose primary responsibility is the protection of personal and real property owned or leased by the school corporation or who performs police or quasi-police powers.

(k) "School employee organization" means any organization which has school employees as members and one (1) of whose primary purposes is representing school employees in dealing with their school employer, and includes any person or persons authorized to act on behalf of such organizations.

(l) "Exclusive representative" means the school employee organization which has been certified for the purposes of this chapter by the board or recognized by a school employer as the exclusive representative of the employees in an appropriate unit as provided in section 10 of this chapter, or the person or persons duly authorized to act on behalf of such representative.

(m) "Board" means the Indiana education employment relations board provided by this chapter.

(n) "Bargain collectively" means the performance of the mutual obligation of the school employer and the exclusive representative to meet at reasonable times to negotiate in good faith with respect to items enumerated in section 4 of this chapter and to execute a written contract incorporating any agreement relating to such matters. Such obligation shall not include the final approval of any contract concerning these or any other items. Agreements reached through collective bargaining are binding as a contract only if ratified by the governing body of the school corporation and the exclusive representative. The obligation to bargain collectively does not require the school employer or the exclusive representative to agree to a proposal of the other or to make a concession to the other.

(o) "Discuss" means the performance of the mutual obligation of the school corporation through its superintendent and the exclusive representative to meet at reasonable times to discuss, to provide meaningful input, to exchange points of view, with respect to items enumerated in section 5 of this chapter. This obligation shall not, however, require either party to enter into a contract, to agree to a proposal, or to require the making of a concession. A failure to reach an agreement on any matter of discussion shall not require the use of any part of the impasse procedure, as provided in section 13 of this chapter. Neither the obligation to bargain collectively nor to discuss any matter shall prevent any school employee from petitioning the school employer, the governing body, or the superintendent for a redress of the employee's grievances either individually or through the exclusive representative, nor shall either such obligation prevent the school employer or the superintendent from conferring with any citizen, taxpayer, student, school employee, or other person considering the operation of the schools and the school corporation.

(p) "Strike" means concerted failure to report for duty, willful absence from one's position, stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, without the lawful approval of the school employer, or in any concerted manner interfering with the operation of the school employer for any purpose.

(q) "Deficit financing" with respect to any budget year shall mean expenditures in excess of money legally available to the employer.

SECTION 24. IC 20-10.2-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2001]: Sec. 3.5. "Charter school" refers to a public school created and operating under IC 20-5.5.

SECTION 25. IC 20-10.2-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) This section applies to a charter school.

(b) A charter entered under IC 20-5.5-4 may be used as a charter school's three (3) year strategic and continuous school improvement and achievement plan.

SECTION 26. IC 20-10.2-6-1, AS ADDED BY P.L.221-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to the following:

(1) A nonpublic school.

(2) A charter school.

SECTION 27. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 20-3.1-2-12; IC 20-3.1-2-15; IC 20-3.1-2-16; IC 20-3.1-12; IC 20-3.1-14-1; IC 20-3.1-14-3.

SECTION 28. [EFFECTIVE JULY 1, 2001] (a) This SECTION applies to a school city subject to IC 20-3.1-15-1, as amended by this act.

(b) In negotiations under IC 20-7.5 for the first negotiated agreement after July 1, 2001, the following shall be included as items according to IC 20-7.5-1-4:

(1) Grievance procedure.

(2) Teacher evaluation.

(3) Reduction in force.

(c) This SECTION expires upon the ratification of the agreement described in subsection (a) or July 1, 2005, whichever is the earliest to occur.

SECTION 29. [EFFECTIVE JULY 1, 2001] (a) There is appropriated to the department of education fifty thousand dollars (\$50,000) from the state general fund in each state fiscal year of the biennium beginning July 1, 2001, and ending June 30, 2003, for its use to carry out its responsibilities under IC 20-5.5 and to provide advisory assistance to school corporations and charter schools for programs under IC 20-5.5.

(b) This SECTION expires July 1, 2003.

SECTION 30. [EFFECTIVE JULY 1, 2001] (a) The following shall, in negotiations for the first negotiated collective bargaining agreement after July 1, 2001, be included as items under IC 20-7.5-1-4:

(1) A grievance procedure.

(2) Teacher evaluation.

(3) Reduction in force.

(b) This SECTION expires July 1, 2003.

SECTION 31. An emergency is declared for this act.

(Reference is to ESB 165 as printed April 9, 2001.)

PORTER

Motion prevailed. The bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 100

Representatives Scholer, Crosby, Bosma, Klinker, T. Adams, Aguilera, Alderman, Atterholt, Avery, Ayres, Bardon, Bauer, Becker, Behning, Bischoff, Bodiker, Bottorff, C. Brown, T. Brown, Buck, Budak, Buell, Burton, Cheney, Cherry, Cochran, Cook, Crawford, Crooks, Day, Denbo, Dickinson, Dillon, Dobis, Dumezich, Duncan, Dvorak, Espich, Foley, Frenz, Friend, Frizzell, Fry, GiaQuinta, Goeglein, Goodin, Gregg, Grubb, Harris, Hasler, Herndon, Herrell, Hinkle, Hoffman, Kersey, Kromkowski, Kruse, Kruzan, Kuzman, L. Lawson, Leuck, Liggett, J. Lutz, Lytle, Mahern, Mangus, Mannweiler, McClain, Mellinger, Mock, Moses, Munson, Murphy, Oxley, Pelath, Pond, Porter, Richardson, Ripley, Robertson, Ruppel, Saunders, M. Smith, V. Smith, Steele, Stevenson, Stilwell, Sturtz, Summers, Thompson, Tincher, Torr, Turner, Ulmer, Weinzapfel, Welch, Whetstone, Wolkins, D. Young, and Yount introduced House Concurrent Resolution 100:

A CONCURRENT RESOLUTION honoring the Purdue University Boilermakers football team on a fantastic season, which resulted in an

8-3 record, a Big Ten Championship, and a berth in the 2001 Rose Bowl.

Whereas, Purdue University's football team finished 6-2 in conference play with an overall record of 8-3 to secure the 2000 Big Ten Championship;

Whereas, Purdue University's football team made its first Rose Bowl appearance since 1967;

Whereas, Purdue had quality wins against national powerhouses Michigan, Northwestern, Wisconsin, and Ohio State;

Whereas, Drew Brees set 34 NCAA, Big Ten Conference and Purdue football records and was the first quarterback in NCAA history to pass for more than 10,900 yards and run for more than 900 yards;

Whereas, Drew Brees, Matt Light, Tim Stratton and Vinny Sutherland were selected as First Team All-Big Ten by the coaches;

Whereas, The Second Team All-Big Ten selected by the coaches consisted of athletes Akin Ayodele and Matt Mitrione;

Whereas, Drew Brees was the recipient of the 2000 Maxwell Award for the best all-around collegiate football player in the nation and finished third overall in the race for the Heisman Trophy;

Whereas, Drew Brees was named the Big Ten's Player of the Year as the Silver Football Award winner;

Whereas, The Big Ten's award for Freshman Player of the Year went to free safety Stuart Schweigert;

Whereas, Coach Joe Tiller has had four winning seasons and four bowl appearances since taking the helm at Purdue in 1997. He now enjoys a 33-15 overall record as head coach;

Whereas, Seniors David Edgerton, Vinny Sutherland, Drew Brees, Chris Clopton, Donald Winston, Brent Botts, Tom Vaughan, Ian Allen, Chukky Okobi, Brandon Gorin, Matt Light, Rocco Foggio, Keith Dawson, Brian Dinkins, Jody Goatley, Bryan Jacquay, and Warren Moore, are to be congratulated for their effort in turning the Purdue football program into a championship contender in just four short years. We wish them well in their future endeavors;

Whereas, The team will be returning five starters on offense, as well as 10 starters on defense and will have a great chance to defend its Big Ten title;

Whereas, The Purdue University Boilermakers enjoyed yet another successful season, this time culminating in a Big Ten Conference championship and a strong showing in the Rose Bowl: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Purdue University football team on its outstanding season.

SECTION 2. That the Principal Clerk of the House of Representatives of the Indiana General Assembly is directed to transmit a copy of this resolution to Ian Allen, Akin Ayodele, Willie Bach, Chancellor Barjona, Brent Botts, Drew Brees, Sedrick Brown, Carl Buegler, Luke Burroughs, Kelly Butler, Chris Clopton, Greg Counts, Keith Dawson, Brian Dinkins, Brady Doe, Travis Dorsch, Vedran Dzolovic, David Edgerton, Charles Edwards, Jason Eisele, Steve Ennis, Deaunte Ferrell, Rocco Foggio, Gilbert Gardner, Jon Getz, Daniel Giles, Jody Goatley, Jon Goldsberry, Brandon Gorin, Daemeon Grier, Brandon Hance, Eric Hasegawa, Gary Heaggans, Andre Henderson, Marcus Hill, Matt Holbrook, Mike Holle, Rob Jackson, Bryan Jacquay, Chris James, Brandon Johnson, Landon Johnson, Josh Kirkpatrick, Kelly Kitchel, Niko Koutouvides, Scott Kurz, Mike Lawrence, Aaron Levin, Matt Light, Jason Loerzel, Pete Lougheed, Montrell Lowe, Korey Mack, Chuck McQuaid, Cornell Middlebrook, Max Miller, Matt Mitrione, Bobby Montgomery, Tyler Moore, Warren Moore, Seth Morales, Sean Morris, Gene Mruczkowski, Kevin Nesfield, Joe Odom, Chukky Okobi, Tim Olmstead, Dave Owen, Quinton Owens, Shaun Phillips, Nick Pilipauskis, Chris Randolph,

Mark Reid, Jacques Reeves, Brandon Robinson, Antwaun Rogers, Jacob Rowe, Sean Rufolo, Patrick Schaub, Stuart Schweigert, John Shelbourne, A.T. Simpson, Ben Smith, John Standeford, R'Kes Starling, Tim Stratton, Taylor Stubblefield, Jason Sulc, Vinny Sutherland, Doug Swann, Finis Tatum, Craig Terrill, Josh Tobey, Alex Tone, Ralph Turner, Rob Turner, Alex Underwood, Tim Upshur, Tom Vaughan, Donald Winston, Ashante Woodyard and the members of the coaching staff as follows: Joe Tiller, Scott Downing, Brock Spack, Jim Chaney, Gary Emanuel, Danny Hope, Greg Olson, Kevin Sumlin, Ken Greene, Mark Hagen, Darrell Perkins, Joel Thomas, Don Collier and to the President of Purdue University.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Alting, Harrison, and Hershman.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:10 p.m. with the Speaker in the Chair.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 101

Representative Saunders introduced House Concurrent Resolution 101:

A CONCURRENT RESOLUTION honoring Henry County Deputy Sheriff William "Bill" Ward.

Whereas, The quick actions of Henry County Deputy William "Bill" Ward resulted in the arrest of two teens fleeing from a New Hampshire murder investigation;

Whereas, Deputy Ward was able to arrest James J. Parker and Robert W. Tulloch after overhearing a trucker on a CB radio asking if anyone could take the two young men farther west;

Whereas, Due to his alert actions resulting in the arrest of Parker and Tulloch, Deputy Ward has received many e-mails, cards, and greetings from all over the country;

Whereas, The people of Indiana would like to congratulate the Henry County Sheriff's Department for a job well done;

Whereas, Deputy Ward can add one more honor to his list of accolades: he has been named the first recipient of The Courier-Times Citizen of the Month award;

Whereas, Because of his selection as Citizen of the Month, Deputy Ward is now under consideration for The Walter S. Chambers Jr. Courier-Times Citizen of the Year award;

Whereas, Ever humble, Deputy Ward considers his actions to be nothing more than "doing his job", and he wants to make sure that proper credit is given to others who deserve it; and

Whereas, Police officers such as Deputy Ward make us aware of the caliber of men and women who are risking their lives every day to make Indiana a safer place to live: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to thank Sheriff's Deputy William Ward for his alert actions that resulted in the removal of two murder suspects from the streets of Indiana, helping to make the state safer for its residents.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Deputy Ward and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Gard.

House Concurrent Resolution 102

Representative Saunders introduced House Concurrent Resolution 102:

A CONCURRENT RESOLUTION honoring the Indiana High School Athletic Association (IHSAA) 2001 Class A basketball state championship runner-up Blue River Valley High School.

Whereas, On March 24, 2001, at Conseco Fieldhouse in Indianapolis, Indiana, the Blue River Valley High School boys basketball team ended a 22-5 season as the runner-up in the 2001 Class A basketball state championship;

Whereas, The final score of the game was Attica 64, Blue River 62;

Whereas, Even though the Vikings are the runner-up, they still have plenty to be proud of;

Whereas, This year's Viking team went farther in the state tournament than any other team in the 37 year history of the school. They became the first team to win a semi-state title, and team member Andy Brown received the Arthur L. Trester Mental Attitude Award; and

Whereas, Improvement such as that experienced by the Blue River Valley boys basketball team displays strength of character and determination that goes beyond the years of the players: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Blue River Valley High School boys basketball team on a tremendous season and for placing second in the IHSAA Class A boys basketball state championship.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the team, the coaches, the athletic director, the principal, and the superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Gard.

House Concurrent Resolution 103

Representative Saunders introduced House Concurrent Resolution 103:

A CONCURRENT RESOLUTION congratulating Andy Brown, Blue River Valley High School, on his selection as the 2001 Indiana High School Athletic Association (IHSAA) Class A Arthur L. Trester Mental Attitude Award winner.

Whereas, Andy Brown from Blue River Valley High School was named the 2001 Class A boys basketball Arthur L. Trester Mental Attitude Award winner;

Whereas, The Trester Award, named after the former commissioner of the IHSAA, is awarded for scholarship, attitude, and sportsmanship;

Whereas, Andy Brown is a star on and off the basketball court;

Whereas, Andy serves as president of the Blue River Valley National Honor Society, has volunteered for Habitat for Humanity, and has been a fund raiser for Riley Children's Hospital;

Whereas, Academically, Andy maintains a 3.6 grade point average and plans to enter Ball State University next year; and

Whereas, Excellence in athletics as well as academics deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives wishes to congratulate Andy Brown on his selection as the 2001 Indiana High School Athletic Association Class A Arthur L. Trester Mental

Attitude Award winner.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Andy Brown and his family, the principal of Blue River Valley High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Gard.

RULES SUSPENSIONS

COMMITTEE REPORT

Mr. Speaker: The Committee on Rules and Legislative Procedures recommends that House Rule 117.2 be suspended in regard to House Bill 1776, so that Amendment 1776-7 may be offered on second reading.

MOSES, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 117.2 be suspended in regard to House Bill 1776, so that Amendment 1776-7 may be offered on second reading.

MOSES

Motion prevailed.

ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 174, 204, 229, 230, 236, 263, 309, 313, 320, 321, 365, 376, 408, 459, 464, and 466.

Engrossed Senate Bill 190

Representative Weinzapfel called down Engrossed Senate Bill 190 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 190-2)

Mr. Speaker: I move that Engrossed Senate Bill 190 be amended to read as follows:

Page 5, between lines 30 and 31, begin a new paragraph and insert:
SECTION 10. IC 29-1-2-1 IS AMENDED TO READ AS FOLLOWS: [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The net estate of a person dying intestate shall descend and be distributed as provided in this section.

(b) Except as otherwise provided in subsection (c), the surviving spouse shall receive the following share:

(1) One-half (1/2) of the net estate if the intestate is survived by at least one (1) child or by the issue of at least one (1) deceased child.

(2) Three-fourths (3/4) of the net estate, if there is no surviving issue, but the intestate is survived by one (1) or both of the intestate's parents.

(3) All of the net estate, if there is no surviving issue or parent.

(c) If the surviving spouse is a second or other subsequent spouse who did not at any time have children by the decedent, and the decedent left surviving him a child or children or the descendants of a child or children by a previous spouse, such surviving second or subsequent childless spouse shall take only **the appraised value of thirty-three percent (33%) a life estate in one-third (1/3)** of the lands of the deceased spouse, and the fee shall, at the decedent's death, vest at once in such child or children, or the descendants of such as may be dead; **subject only to the life estate of the surviving spouse.** Such second or subsequent childless spouse shall, however, receive the same share of the personal property of the decedent as is provided in subsection (b) with respect to surviving spouses generally.

(d) The share of the net estate not distributable to the surviving

spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

(1) To the issue of the intestate, if they are all of the same degree of kinship to the intestate, they shall take equally; or if of unequal degree, then those of more remote degrees shall take by representation.

(2) If there is a surviving spouse but no surviving issue of the intestate, then to the surviving parents of the intestate.

(3) If there is no surviving spouse or issue of the intestate, then to the surviving parents, brothers, and sisters, and the issue of deceased brothers and sisters of the intestate. Each living parent of the intestate shall be treated as of the same degree as a brother or sister and shall be entitled to the same share as a brother or sister. However, the share of each parent shall be not less than one-fourth (1/4) of such net estate. Issue of deceased brothers and sisters shall take by representation.

(4) If there is no surviving parent or brother or sister of the intestate, then to the issue of brothers and sisters. If such distributees are all in the same degree of kinship to the intestate, they shall take equally or, if of unequal degree, then those of more remote degrees shall take by representation.

(5) If there is no surviving issue, or parent of the intestate, or issue of a parent, then to the surviving grandparents of the intestate equally.

(6) If there is no surviving issue, or parent, or issue of a parent, or grandparent of the intestate, then the estate of the decedent shall be divided into that number of shares equal to the sum of:

(A) the number of brothers and sisters of the decedent's parents surviving the decedent; plus

(B) the number of deceased brothers and sisters of the decedent's parents leaving issue surviving both them and the decedent; and

one (1) of the shares shall pass to each of the brothers and sisters of the decedent's parents, or heir respective issue, per stirpes.

(7) If interests in real estate go to a husband and wife under this subsection, the aggregate interests so descending shall be owned by them as tenants by the entireties. Interests in personal property so descending shall be owned as tenants in common.

(8) If there is no person mentioned in subdivisions (1) through (7), then to the state.

SECTION 11. IC 29-1-3-1 IS AMENDED TO READ AS FOLLOWS: [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) When a married individual dies testate as to any part of the individual's estate, the surviving spouse is entitled to take against the will under the limitations and conditions stated in this chapter. The surviving spouse, upon electing to take against the will, is entitled to one-half (1/2) of the net personal and real estate of the testator. However, if the surviving spouse is a second or other subsequent spouse who did not at any time have children by the decedent and the decedent left surviving a child or children or the descendants of a child or children by a previous spouse, the surviving second or subsequent childless spouse shall upon such election take one-third (1/3) of the net personal estate of the testator plus **the appraised value of thirty-three percent (33%)** ~~a life estate in one-third (1/3)~~ of the lands of the testator. In determining the net estate of a deceased spouse for the purpose of computing the amount due the surviving spouse electing to take against the will, the court shall consider only such property as would have passed under the laws of descent and distribution.

(b) When the value of the property given the surviving spouse under the will is less than the amount the surviving spouse would receive by electing to take against the will, the surviving spouse may elect to retain any or all specific bequests or devises given to the surviving spouse in the will at their fair market value as of the time of the decedent's death and receive the balance due in cash or property.

(c) Except as provided in subsection (b), in electing to take against the will, the surviving spouse is deemed to renounce all rights and interest of every kind and character in the personal and real property of the deceased spouse, and to accept the elected award in lieu thereof.

(d) When a surviving spouse elects to take against the will, the surviving spouse shall be deemed to take by descent, as a modified share, the part of the net estate as does not come to the surviving spouse by the terms of the will. Where by virtue of an election pursuant to this chapter it is determined that the surviving spouse has renounced the surviving spouse's rights in any devise, either in trust or otherwise, the will shall be construed with respect to the property so devised to the surviving spouse as if the surviving spouse had predeceased the testator.

SECTION 12. IC 29-1-3-4 IS AMENDED TO READ AS FOLLOWS: [EFFECTIVE JULY 1, 2001]: Sec. 4. The right of election of the surviving spouse is personal to the spouse. It is not transferable and cannot be exercised subsequent to the spouse's death. **A person with a valid power of attorney for the surviving spouse may elect for the spouse if the power of attorney has general authority with respect to estates as provided in IC 30-5-5-15(a)(4).** If the surviving spouse is a protected person, the court may order the guardian of the spouse's estate to elect for the spouse.

Page 21, line 4, delete "legal and factual" and insert "**reason**".

Page 21, line 5, delete "basis for asserting"

Renumber all SECTIONS consecutively.

(Reference is to ESB as printed March 22, 2001.)

WEINZAPFEL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 152

Representative Sturtz called down Engrossed Senate Bill 152 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 152-3)

Mr. Speaker: I move that Engrossed Senate Bill 152 be amended to read as follows:

Page 1, line 3, after "(a)" delete "A" and insert "**Unless otherwise required by an ordinance of the county, a**".

Page 1, line 6, after "subdivision" insert "**in accordance with this section**".

Page 1, line 6, after "board" delete "or a technical review".

Page 1, delete lines 7 through 9.

Page 1, line 13, after "board" delete "or the technical review".

Page 1, line 14, delete "committee referred to in subsection (a)".

Page 2, line 13, after "board" delete "or a technical review committee".

Page 2, delete lines 14 through 15.

Page 2, line 16, delete "county health department as established by local ordinance".

Page 2, line 17, delete "technical design" and insert "**plan**".

(Reference is to ESB 152 as printed March 28, 2001.)

STURTZ

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 206

Representative Steele called down Engrossed Senate Bill 206 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 206-3)

Mr. Speaker: I move that Engrossed Bill 206 be amended to read as follows:

Page 5, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 4. IC 35-49-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. **(a) Except as provided in subsection (b),** a person who knowingly or intentionally:

(1) disseminates matter to minors that is harmful to minors;

(2) displays matter that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by his parent or guardian;

(3) sells or displays for sale to any person matter that is harmful to minors within five hundred (500) feet of the nearest property line of a school or church;

(4) engages in or conducts a performance before minors that is

harmful to minors;

(5) engages in or conducts a performance that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by his parent or guardian;

(6) misrepresents his age for the purpose of obtaining admission to an area from which minors are restricted because of the display of matter or a performance that is harmful to minors; or

(7) misrepresents that he is a parent or guardian of a minor for the purpose of obtaining admission of the minor to an area where minors are being restricted because of display of matter or performance that is harmful to minors;

commits a Class D felony.

(b) This section does not apply if a person disseminates, displays, or otherwise makes available the matter described in subsection (a) through the Internet, computer electronic transfer, or a computer network, unless:

(1) the matter is obscene under IC 35-49-2-1;

(2) the matter is child pornography under IC 35-42-4-4; or

(3) the person distributes the matter to a child less than eighteen (18) years of age knowing that the recipient is a child less than eighteen (18) years of age."

Page 5, line 8, delete "and" and insert ",".

Page 5, line 9, after "IC 35-49-1-3," insert "and IC 35-49-3-3,".

Page 5, line 9, delete "both" and insert "all".

Renumber all SECTIONS consecutively.

(Reference is to ESB 206 as printed April 9, 2001.)

DVORAK

Motion prevailed.

HOUSE MOTION (Amendment 206-1)

Mr. Speaker: I move that Engrossed Senate Bill 206 be amended to read as follows:

Page 5, line 2, delete "digitized".

Page 5, line 3, delete "image,".

Page 5, line 6, strike "or".

Page 5, line 7, delete "." and insert "; or".

Page 5, between lines 7 and 8, begin a new line block indented and insert:

"(6) a digitized image if the image is:

(A) obscene under IC 35-49-2-1; or

(B) child pornography under IC 35-42-4-4."

(Reference is to ESB 206 as printed April 9, 2001.)

FRY

After discussion, Representative Fry withdrew the motion.

HOUSE MOTION (Amendment 206-2)

Mr. Speaker: I move that Engrossed Senate Bill 206 be amended to read as follows:

Page 4, line 11, strike "or".

Page 4, line 15, after "age;" insert "or

(3) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age;"

Page 4, line 32, reset in roman "Class A".

Page 4, line 33, reset in roman "misdemeanor".

Page 4, line 33, delete "Class D felony."

(Reference is to ESB 206 as printed April 9, 2001.)

PORTER

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Crosby.

Engrossed Senate Bill 215

Representative C. Brown called down Engrossed Senate Bill 215 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 215-2)

Mr. Speaker: I move that Engrossed Senate Bill 215 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 1, line 8, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 1, line 10, delete "shall" and insert "may".

Page 1, line 13, delete "JULY 1, 2001]" and insert " UPON PASSAGE]".

Page 3, line 15, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 4, line 8, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 7, after line 36, begin a new paragraph and insert:

"SECTION 7. An emergency is declared for this act."

(Reference is to ESB 215 as printed April 9, 2001.)

C. BROWN

Motion prevailed.

HOUSE MOTION (Amendment 215-1)

Mr. Speaker: I move that Engrossed Senate Bill 215 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-14.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.7. "Ancillary services", for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-2.

SECTION 2. IC 12-7-2-18.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18.3. "Attendant care services", for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-3.

SECTION 3. IC 12-7-2-20.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20.7. "Basic services", for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-4.

SECTION 4. IC 12-7-2-103.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 103.5. "Health related services":

(1) for purposes of IC 12-10-15, has the meaning set forth in IC 12-10-15-2; and

(2) for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-5.

SECTION 5. IC 12-7-2-117.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 117.1. "Individual in need of self-directed in-home care", for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-6.

SECTION 6. IC 12-7-2-122.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 122.9. "Licensed health professional", for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-7.

SECTION 7. IC 12-7-2-137.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 137.3. "Personal services attendant", for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-8.

SECTION 8. IC 12-7-2-138 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 138. "Physician" means the following:

(1) For purposes of IC 12-10-17 and IC 12-15-35, the meaning set forth in IC 12-15-35-12: an individual who is licensed to practice medicine in Indiana under IC 25-22.5.

(2) For purposes of IC 12-26, either of the following:

(A) An individual who holds a license to practice medicine under IC 25-22.5.

(B) A medical officer of the United States government who is in Indiana performing the officer's official duties.

SECTION 9. IC 12-7-2-174.5 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 174.5. "Self-directed in-home health care", for purposes of IC 12-10-17, has the meaning set forth in IC 12-10-17-9.**

SECTION 10. IC 12-10-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.** As used in this chapter, "community and home care services" means services provided within the limits of available funding to an eligible individual. The term includes the following:

- (1) Homemaker services and attendant care, including personal care services.
- (2) Respite care services and other support services for primary or family caregivers.
- (3) Adult day care services.
- (4) Home health services and supplies.
- (5) Home delivered meals.
- (6) Transportation.
- (7) **Attendant care services provided by a registered personal services attendant under IC 12-10-17 to persons described in IC 12-10-17-6.**
- (8) Other services necessary to prevent institutionalization of eligible individuals when feasible.

SECTION 11. IC 12-10-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 17. Individuals in Need of Self-Directed In-Home Care

Sec. 1. This chapter does not apply to the following:

- (1) An individual who provides attendant care services and who is employed by and under the direct control of a home health agency (as defined in IC 12-15-34-1).
- (2) An individual who provides attendant care services and who is employed by and under the direct control of a licensed hospice program under IC 16-25.
- (3) A practitioner (as defined in IC 25-1-9-2) who is practicing under the scope of the practitioner's license (as defined in IC 25-1-9-3).

Sec. 2. As used in this chapter, "ancillary services" means services ancillary to the basic services provided to an individual in need of self-directed in-home care who needs at least one (1) of the basic services (as defined in section 4 of this chapter). The term includes the following:

- (1) Homemaker type services, including shopping, laundry, cleaning, and seasonal chores.
- (2) Companion type services, including transportation, letter writing, mail reading, and escort services.
- (3) Assistance with cognitive tasks, including managing finances, planning activities, and making decisions.

Sec. 3. As used in this chapter, "attendant care services" means those basic and ancillary services, which the individual chooses to direct and supervise a personal services attendant to perform, that enable an individual in need of in-home care to live in the individual's home and community rather than in an institution and to carry out functions of daily living, self-care, and mobility.

Sec. 4. As used in this chapter, "basic services" means a function that could be performed by the individual in need of self-directed in-home care if the individual were not physically disabled. The term includes the following:

- (1) Assistance in getting in and out of beds, wheelchairs, and motor vehicles.
- (2) Assistance with routine bodily functions, including:
 - (A) health related services (as defined in section 5 of this chapter);
 - (B) bathing and personal hygiene;
 - (C) dressing and grooming; and
 - (D) feeding, including preparation and cleanup.

Sec. 5. As used in this chapter, "health related services" means those medical activities that:

- (1) in the opinion of the attending physician, could be performed by the individual if the individual were physically capable, and if the medical activity can be safely performed in the home; and
- (2) the person who performs the medical activity has received

training or instruction from a licensed health professional in how to properly perform the medical activity.

Sec. 6. As used in this chapter, "individual in need of self-directed in-home care" means a disabled individual who:

- (1) is approved to receive Medicaid waiver services under 42 U.S.C. 1396n(c), or is a participant in the community and home options to institutional care for the elderly and disabled program under IC 12-10-10;
- (2) is in need of attendant care services because of impairment;
- (3) requires assistance to complete functions of daily living, self-care, and mobility, including those functions included in attendant care services;
- (4) chooses to self-direct a paid personal services attendant to perform attendant care services; and
- (5) assumes the responsibility to initiate self-directed in-home care and exercise judgment regarding the manner in which those services are delivered, including the decision to employ, train, and dismiss a personal services attendant.

Sec. 7. As used in this chapter, "licensed health professional" means the following:

- (1) A registered nurse.
- (2) A licensed practical nurse.
- (3) A physician with an unlimited license to practice medicine or osteopathic medicine.
- (4) A licensed dentist.
- (5) A licensed chiropractor.
- (6) A licensed optometrist.
- (7) A licensed pharmacist.
- (8) A licensed physical therapist.
- (9) A certified occupational therapist.
- (10) A certified psychologist.
- (11) A licensed podiatrist.
- (12) A licensed speech-language pathologist or audiologist.

Sec. 8. As used in this chapter, "personal services attendant" means an individual who is registered to provide attendant care services under this chapter and who has entered a contract with an individual and acts under the individual's direction to provide attendant care services that could be performed by the individual if the individual were physically capable.

Sec. 9. As used in this chapter, "self-directed in-home health care" means the process by which an individual, who is prevented by a disability from performing basic and ancillary services that the individual would perform if not disabled, chooses to direct and supervise a paid personal services attendant to perform those services in order for the individual to live in the individual's home and community rather than an institution.

Sec. 10. (a) An individual may not provide attendant care services for compensation from Medicaid or the community and home options to institutional care for the elderly and disabled program for an individual in need of self-directed in-home care services unless the individual is registered under section 12 of this chapter.

(b) An individual who is a legally responsible relative of an individual in need of self-directed in-home care, including a parent of minor individual and a spouse, is precluded from providing attendant care services for compensation under this chapter.

Sec. 11. An individual who desires to provide attendant care services must register with the division or with an organization designated by the division.

Sec. 12. (a) The division shall register an individual who provides the following:

- (1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.
- (2) The individual's limited criminal history check from the Indiana central repository for criminal history information under IC 5-2-5 or another source allowed by law.
- (3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.

- (4) Three (3) letters of reference.
- (5) A registration fee. The division shall establish the amount of the registration fee.
- (6) Proof that the individual is at least eighteen (18) years of age.
- (7) Any other information required by the division.

(b) A registration is valid for one (1) year. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division shall maintain a file for each personal services attendant that contains:

- (1) any comments submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and
- (2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

- (1) Without charge, a list of all personal services attendants who are registered with the division.
- (2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c). The division may charge a fee for shipping, handling, and copying expenses.

Sec. 13. (a) A personal services attendant who is hired by the individual in need of in-home care is an employee of the individual in need of in-home care.

(b) The division is not liable for any actions of a personal services attendant or an individual in need of self-directed in-home care.

(c) A personal services attendant and an individual in need of self-directed in-home care are each liable for any negligent or wrongful act or omission in which the person personally participates.

Sec. 14. (a) Except as provided in subsection (b), an individual in need of self-directed in-home care is responsible for recruiting, hiring, training, paying, certifying any employment related documents, dismissing, and supervising in the individual's home during service hours a personal services attendant who provides attendant care services for the individual.

(b) If an individual in need of self-directed in-home care is:

- (1) less than twenty-one (21) years of age; or
- (2) unable to direct in-home care because of a brain injury or mental deficiency;

the individual's parent, spouse, legal guardian, or a person possessing a valid power of attorney may make employment, care, and training decisions and certify any employment related documents on behalf of the individual.

(c) An individual in need of self-directed in-home care or an individual under subsection (b) and the individual's case manager shall develop an authorized care plan. The authorized care plan must include a list of weekly services that must be performed to comply with the authorized care plan.

Sec. 15. The division shall adopt rules under IC 4-22-2 concerning:

- (1) the method of payment to a personal services attendant who provides authorized services under this chapter; and
- (2) record keeping requirements for personal attendant services.

Sec. 16. The individual in need of self-directed in-home care and the personal services attendant must each sign a contract, in a form approved by the division, that includes, at a minimum, the following provisions:

- (1) The responsibilities of the personal services attendant.
- (2) The hours the personal services attendant will provide attendant care services.
- (3) The duration of the contract.
- (4) The hourly wage of the personal services attendant. The wage may not be less than the federal minimum wage or more than the rate that the recipient is eligible to receive under a

Medicaid home and community based services waiver or the community and home options to institutional care for the elderly and disabled program for attendant care services.
(5) Reasons and notice agreements for early termination of the contract.

Sec. 17. (a) The office shall amend the home and community based services waiver program under the state Medicaid plan to provide for the payment for attendant care services provided by a personal services attendant for an individual in need of self-directed in-home care under this chapter, including any related record keeping and employment expenses.

(b) The office shall not, to the extent permitted by federal law, consider as income money paid under this chapter to or on behalf of an individual in need of self-directed in-home care to enable the individual to employ registered personal services attendants, for purposes of determining the individual's income eligibility for services under this chapter.

Sec. 18. The division may:

- (1) initiate demonstration projects to test new ways of providing attendant care services; and
- (2) research ways to best provide attendant care services in urban and rural areas.

Sec. 19. (a) The division may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

(b) The office shall apply for any federal waivers necessary to implement this chapter."

Page 4, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 16. IC 16-18-2-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. "Attendant care services", for purposes of IC 16-27-1, has the meaning set forth in IC 16-27-1-0.5.

SECTION 17. IC 16-27-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 0.5. As used in this chapter, "attendant care services" means those services that could be performed by an impaired individual for whom the services are provided if the individual were not impaired, that enable the impaired individual to live in the individual's home and community, rather than in an institution, and to carry out functions of daily living, self-care, and mobility. The term includes the following:

- (1) Assistance in getting in and out of beds, wheelchairs, and motor vehicles.
- (2) Assistance with routine bodily functions, including:
 - (A) bathing and personal hygiene;
 - (B) using the toilet and maintaining continence;
 - (C) dressing and grooming; and
 - (D) feeding, including preparation and cleanup.
- (3) The provision of medical assistance:
 - (A) through providing reminders or cues to take medication, the opening of pre-set medication containers, and providing assistance in the handling or ingesting of non-controlled substance medications, including eye drops, herbs, supplements, and over-the-counter medications; and
 - (B) to an individual who is unable to accomplish the task due to an impairment and who is:
 - (i) competent and has directed the services; or
 - (ii) incompetent and has the services directed by a competent individual who may consent to health care for the impaired individual.

SECTION 18. IC 16-27-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 2001]: Sec. 5. (a) As used in this chapter, "home health services" means services that are:

- (1) provided to a patient by:
 - (A) a home health agency; or
 - (B) another person under an arrangement with a home health agency;
- in the temporary or permanent residence of the patient; and
- (2) ordered by a licensed physician, a licensed dentist, a licensed chiropractor, a licensed podiatrist, or a licensed optometrist.

(b) The term includes the following:

- (1) Nursing treatment and procedures.
- (2) Physical therapy.
- (3) Occupational therapy.
- (4) Speech therapy.
- (5) Medical social services.
- (6) Home health aide services.
- (7) Other therapeutic services.
- (c) The term does not apply to the following:
 - (1) Services provided by a physician licensed under IC 25-22.5.
 - (2) Incidental services provided by a licensed health facility to patients of the licensed health facility.
 - (3) Services provided by employers or membership organizations using health care professionals for their employees, members, and families of the employees or members if the health or home care services are not the predominant purpose of the employer or a membership organization's business.
 - (4) Nonmedical nursing care given in accordance with the tenets and practice of a recognized church or religious denomination to a patient who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the patient's church or religious denomination.
 - (5) Services that are allowed under IC 16-27-1-10.**
 - (6) Services provided by a personal services attendant under IC 12-10-17.**

SECTION 19. IC 16-27-1-10, AS AMENDED BY P.L.256-1999, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. This chapter does not prohibit the provision of:

- (1) homemaker services, **including shopping, laundry, cleaning, and seasonal chores;**
- (2) companion **type** services, **including transportation, letter writing, mail reading, and escort services;**
- (3) **assistance with cognitive tasks, including managing finances, planning activities, and making decisions;**
- (4) **attendant care services;** or
- (5) any other services for which a an individual license, certification, registration, or permit is not required under state law.**

SECTION 20. IC 25-22.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (4) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or ~~osteopathic~~ **osteopathic** medicine in Indiana.
- (5) A person administering a domestic or family remedy to a member of the person's family.
- (6) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
- (7) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- (8) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the

direction and supervision of the chiropractor under IC 25-10-1-13.

- (9) A dental hygienist practicing the dental hygienist's profession under IC 25-13.
- (10) A dentist practicing the dentist's profession under IC 25-14.
- (11) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.
- (12) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.
- (13) An optometrist practicing the optometrist's profession under IC 25-24.
- (14) A pharmacist practicing the pharmacist's profession under IC 25-26.
- (15) A physical therapist practicing the physical therapist's profession under IC 25-27.
- (16) A podiatrist practicing the podiatrist's profession under IC 25-29.
- (17) A psychologist practicing the psychologist's profession under IC 25-33.
- (18) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.
- (19) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (8) through (17), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.
- (20) A hospital licensed under IC 16-21 or IC 12-25.
- (21) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:
 - (A) a physician;
 - (B) a psychiatric hospital;
 - (C) a hospital;
 - (D) a health maintenance organization or limited service health maintenance organization;
 - (E) a health facility;
 - (F) a dentist;
 - (G) a registered or licensed practical nurse;
 - (H) a midwife;
 - (I) an optometrist;
 - (J) a podiatrist;
 - (K) a chiropractor;
 - (L) a physical therapist; or
 - (M) a psychologist.
- (22) A physician assistant practicing the physician assistant's profession under IC 25-27.5.
- (23) A physician providing medical treatment under IC 25-22.5-1-2.1.
- (24) Attendant care services as defined in IC 16-27-1-0.5.**
- (25) A personal services attendant providing attendant care services under IC 12-10-17.**
- (b) A person described in subsection (a)(8) through (a)(17) is not

excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(20) through (a)(21) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(7) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 21. IC 25-23-1-27.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27.1. (a) As used in this section, "licensed health professional" means:

- (1) a registered nurse;
- (2) a licensed practical nurse;
- (3) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (4) a licensed dentist;
- (5) a licensed chiropractor;
- (6) a licensed optometrist;
- (7) a licensed pharmacist;
- (8) a licensed physical therapist;
- (9) a certified psychologist;
- (10) a licensed podiatrist; or
- (11) a licensed speech-language pathologist or audiologist.

(b) This chapter does not prohibit:

- (1) furnishing nursing assistance in an emergency;
- (2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study;
- (3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;
- (4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;
- (5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:

- (A) with personal care;
- (B) in the administration of a domestic or family remedy; or
- (C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law;

(6) performance of tasks by persons who provide health care services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law;

(7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession; or

(8) a school corporation or school employee from acting under IC 34-4-16.5-3.5. **IC 34-30-14;**

(9) a personal services attendant from providing attendant care services under IC 12-10-17; or

(10) the furnishing of attendant care services as defined by IC 16-27-1-0.5.

SECTION 22. IC 34-30-2-43.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 43.8. IC 12-11-14-13(b) (Concerning actions of a personal services attendant)."**

Page 7, after line 36, begin a new paragraph and insert:

"SECTION 25. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

(b) The office shall apply for any necessary federal waivers to provide Medicaid reimbursement of attendant care services provided by registered personal services attendants to Medicaid recipients under IC 12-10-17, as added by this act.

(c) Notwithstanding IC 12-10-17, as added by this act, the office may not implement IC 12-10-17, as added by this act, for Medicaid waiver recipients until:

- (1) any necessary waiver is approved; and
- (2) the office has filed an affidavit with the governor attesting that the appropriate federal waiver applied for under this SECTION is in effect.

The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.

(d) If the office receives a waiver under this SECTION from the United States Department of Health and Human Services, and the governor receives the affidavit filed under subsection (c), the office shall implement the waiver not later than sixty (60) days after the governor receives the affidavit.

(e) This SECTION expires July 1, 2006.

SECTION 26. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 12-10-17-12(a)(5), as added by this act, the division of disability, aging, and rehabilitative services may not establish a registration fee that exceeds thirty dollars (\$30).

(b) Notwithstanding IC 12-10-17-12(d)(2), as added by this act, the division of disability, aging, and rehabilitative services may not charge a fee for shipping, handling, and copying expenses that exceeds five dollars (\$5) per file.

(c) The office of Medicaid policy and planning may adopt rules under IC 4-22-2 that are necessary to implement this SECTION.

(d) This SECTION expires July 1, 2003.

SECTION 27. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 215 as printed April 9, 2001.)

WELCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 222

Representative Welch called down Engrossed Senate Bill 222 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 222-1)

Mr. Speaker: I move that Engrossed Senate Bill 222 be amended to read as follows:

Page 1, delete lines 10 through 11.

Page 2, line 24, strike "~~five (5) years~~" and insert "**forty-two (42) months**".

Page 2, line 26, strike "~~five (5)~~" and insert "**forty-two (42)**".

Page 2, line 27, strike "~~years~~" and insert "**months**".

Page 2, line 30, strike "~~five (5) years~~" and insert "**forty-two (42) months**".

Page 2, line 33, strike "~~five (5) years~~" and insert "**forty-two (42) months**".

Page 2, line 35, strike "~~five (5) years~~" and insert "**forty-two (42) months**".

Page 2, line 37, strike "~~five (5)~~" and insert "**forty-two (42)**".

Page 2, line 38, strike "~~years~~" and insert "**months**".

Page 3, line 2, strike "~~closed-door~~" and insert "**daily exit**".

Page 3, line 31, strike "~~with a clinical expert~~" and insert "**an expert**".

clinical resource".

Page 3, line 31, after "**appointed**" insert "**or authorized**".

Page 4, line 31, strike "~~from the office~~".

Page 4, line 39, strike "~~office~~" and insert "**complainant**".

Page 5, line 1, strike "~~from the office~~".

Page 5, line 9, strike "~~office~~" and insert "**complainant**".

Page 5, delete lines 11 through 42.

Page 5, line 11, begin a new line block indented and insert:

"Sec. 13. The department shall be given access to all inspection notes and documentation, and if necessary, interview the individual inspectors when conducting informal dispute resolutions."

Delete page 6.

Page 7, delete lines 1 through 12.

Page 7, line 13, strike "~~office of quality~~".

Page 7, line 14, strike "~~assurance established within the~~".

Page 7, delete lines 34 through 36.

Renumber all SECTIONS consecutively.

(Reference is to ESB 222 as printed April 9, 2001.)

WELCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 226

Representative Weinzapfel called down Engrossed Senate Bill 226 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 226-1)

Mr. Speaker: I move that Engrossed Senate Bill 226 be amended to read as follows:

Page 2, line 27, after "(3)" insert "**except for a use described in subsection (a)(3),**".

Page 2, line 34, delete "~~run-off;~~" and insert "**runoff;**".

(Reference is to ESB 226 as printed April 6, 2001.)

WEINZAPFEL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 243

Representative Weinzapfel called down Engrossed Senate Bill 243 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 243-1)

Mr. Speaker: I move that Engrossed Senate Bill 243 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert: SECTION 1. IC 13-11-2-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 40. "Confined feeding operation", for purposes of IC 13-18-10, **IC 13-18-13, and IC 13-18-21** means:

(1) any confined feeding of:

(A) at least three hundred (300) cattle;

(B) at least six hundred (600) swine or sheep; and

(C) at least thirty thousand (30,000) fowl;

(2) any animal feeding operation electing to be subject to IC 13-18-10; or

(3) any animal feeding operation that is causing a violation of:

(A) water pollution control laws;

(B) any rules of the water pollution control board; or

(C) IC 13-18-10.

A determination by the department under this subdivision is appealable under IC 4-21.5.

SECTION 2. IC 13-11-2-83, AS AMENDED BY P.L.132-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 83. (a) "Financial assistance agreement", for purposes of IC 13-18-13, refers to an agreement between:

(1) the budget agency; and

(2) a **political subdivision; participant;**

establishing the terms and conditions of a loan or other financial assistance, including forgiveness of principal if allowed under federal law, by the state to the **political subdivision; participant.**

(b) "Financial assistance agreement", for purposes of IC 13-19-5, means an agreement between the authority and a political subdivision that:

(1) is approved by the budget agency; and

(2) establishes the terms and conditions of a loan or other financial assistance by the state to the political subdivision.

(c) "Financial assistance agreement", for purposes of IC 13-18-21, refers to an agreement between:

(1) the budget agency; and

(2) a participant;

establishing the terms and conditions of a loan or other financial assistance, including forgiveness of principal if allowed under federal law, by the state to the participant.

SECTION 3. IC 13-11-2-142.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 142.5. "**Nonpoint source**", for purposes of section 151.1 of this chapter and IC 13-18-13, means:

(1) **a pollution source that is not controlled by effluent limitations established under Sections 301,302, or 402 of the federal Water Pollution Control Act; or**

(2) **a pollution source identified in a state management plan produced according to Section 319 of the federal Water Pollution Control Act;**

that is not traceable to a discrete identifiable origin.

SECTION 4. IC 13-11-2-151.1, AS ADDED BY P.L.132-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 151.1. (a) "**Participant**", for purposes of section 83(a) of this chapter and IC 13-18-13, means:

(1) **a political subdivision; or**

(2) **a private entity, for a nonpoint source pollution reduction project related to:**

(A) **a confined feeding operation;**

(B) **farm field runoff; or**

(C) **a failing sewage disposal system.**

(b) "**Participant**", for purposes of section 83(c) of this chapter and IC 13-18-21, means:

(1) **a political subdivision; or**

(2) **any other owner or operator of a public water system; or**

(3) **a private entity, for a nonpoint source pollution reduction project related to:**

(A) **a confined feeding operation;**

(B) **farm field runoff; or**

(C) **a failing sewage disposal system.**

SECTION 5. IC 13-11-2-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 201. "Sewage disposal system", for purposes of IC 13-18-12, **IC 13-18-13, and IC 13-18-21**, means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

(1) store;

(2) treat;

(3) make inoffensive; or

(4) dispose of;

human excrement or liquid carrying wastes of a domestic nature.

Page 2, after line 12, begin a new paragraph and insert: SECTION 8. IC 13-18-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The wastewater revolving loan fund is established to provide money for loans and other financial assistance to or for the benefit of **political subdivisions participants** under this chapter.

(b) The general assembly may appropriate money to the fund. Grants or gifts of money to the fund from the federal government or other sources and the proceeds of the sale of:

(1) gifts to the fund; and

(2) loans and other financial assistance, as provided in sections 10 through 14 of this chapter;

shall be deposited in the fund.

(c) Repayments of loans and other financial assistance, including interest, premiums, and penalties, shall be deposited in the fund.

(d) The treasurer of state shall invest the money in the fund that is:

(1) not currently needed to meet the obligations of the fund; and
 (2) not invested under subsection (e);
 in the same manner as other public money may be invested. Earnings that accrue from these investments shall be deposited in the fund.

(e) As an alternative to subsection (d), the budget agency may invest or cause to be invested all or a part of the fund in a fiduciary account or accounts with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may permit disbursements by the trustee to:

- (1) the department;
- (2) the budget agency;
- (3) a ~~political subdivision~~ **participant**;
- (4) the Indiana bond bank; or
- (5) any person to which the department, the budget agency, or a ~~political subdivision~~ **participant** is obligated, as provided in the trust agreement or indenture.

The state board of finance must approve any trust agreement or indenture before execution.

(f) Except as provided in the federal Clean Water Act, the cost of administering the fund may be paid from the fund.

(g) All money accruing to the fund is appropriated continuously for the purposes specified in this chapter.

(h) Money in the fund does not revert to the state general fund at the end of a state fiscal year.

SECTION 9. IC 13-18-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Money in the fund may be used to do the following:

- (1) Provide loans or other financial assistance to ~~political subdivisions~~ **participants** for:
 - (A) the planning, designing, construction, renovation, improvement, or expansion of wastewater collection and treatment systems and other activities necessary or convenient to complete these tasks; **or**
 - (B) a **nonpoint source pollution reduction project related to confined feeding operations, farm field runoff, or failing sewage disposal systems.**
- (2) Pay the cost of administering the fund and the program.
- (3) Conduct all other activities that are permitted by the federal Clean Water Act.

(b) **For each state fiscal year, the budget agency may use not more than three percent (3%) of the total amount estimated by the budget agency to be available for financial assistance from the fund for the year for providing loan assistance to participants for nonpoint source pollution reduction projects related to confined feeding operations, farm field runoff, or failing sewage disposal systems. Amounts estimated to be available for nonpoint source projects for any year that remain unused at the end of the year may be carried forward for use in any subsequent state fiscal year.**

SECTION 10. IC 13-18-13-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) **Except as provided in subsection (b), the budget agency shall manage and administer all aspects of the program.**

(b) **The budget agency shall designate aspects of the program to be managed and administered by the department. When the budget agency makes a designation under this subsection, the budget agency shall direct the department in writing to manage and administer the designated aspects of the program.**

(c) **The budget agency shall fix a budget for the aspects of the program to be:**

- (1) managed and administered by the department under subsection (b); and
- (2) funded from:
 - (A) the fund; or
 - (B) a capitalization grant made by the United States Environmental Protection Agency for the benefit of the program.

SECTION 11. IC 13-18-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) ~~The department and~~

~~the budget agency may:~~

- (1) provide services to a ~~political subdivision~~ **participant** in connection with a loan or other financial assistance, including advisory and other services; and
- (2) charge a fee for services provided.

(b) ~~The department and the~~ budget agency may charge a fee for costs and services incurred in the review or consideration of an application for a proposed loan or other financial assistance to or for the benefit of a ~~political subdivision~~ **participant** under this chapter, regardless of whether the application is approved or rejected.

(c) A ~~political subdivision~~ **participant** may pay fees charged under this section.

SECTION 12. IC 13-18-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) ~~The department budget agency~~ shall use a priority ranking system to recommend loans or other financial assistance from the fund. ~~The department budget agency~~ shall develop the priority ranking system to achieve optimum water quality consistent with the water quality goals of the state and the federal Clean Water Act.

(b) ~~Based on the recommendations made under subsection (a), and subject to any bypass procedures implemented by the budget agency to efficiently render program assistance,~~ the budget agency may make loans and provide other financial assistance from the fund to or for the benefit of ~~political subdivisions~~ **participants**.

SECTION 13. IC 13-18-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The budget agency may make loans or provide other financial assistance from the fund to or for the benefit of a ~~political subdivision~~ **participant** under the following conditions:

- (1) The loan or other financial assistance must be used:
 - (A) for planning, designing, constructing, renovating, improving, or expanding wastewater collection and treatment systems and other activities necessary or convenient to complete these tasks;
 - (B) to:
 - (i) establish reserves or sinking funds; or
 - (ii) provide interest subsidies;
 - (C) to pay financing charges, including interest on the loan or other financial assistance during construction and for a reasonable period after the completion of construction; **or**
 - (D) to pay the following:
 - (i) Consultant, advisory, and legal fees.
 - (ii) Any other costs or expenses necessary or incident to the loan, other financial assistance, or the administration of the fund and the program; **or**
- (E) **for nonpoint source pollution reduction projects related to confined feeding operations, farm field runoff, or failing sewage disposal systems.**

(2) Subject to section 15 of this chapter, upon recommendation of the budget agency the state board of finance shall establish the interest rate or parameters for establishing the interest rate on each loan, including parameters for establishing the amount of interest subsidies.

(3) The budget agency shall establish the terms and conditions that the budget agency considers necessary or convenient to:

- (A) make loans; or
- (B) provide other financial assistance under this chapter.

(b) **The budget agency is not required to establish uniform terms and conditions applicable to all loans or other financial assistance under this chapter. Differences in the terms and conditions may be based on:**

- (1) credit;
- (2) loan structure;
- (3) capital access;
- (4) whether a participant is a political subdivision or a private entity; or
- (5) other factors the budget agency considers relevant.

SECTION 14. IC 13-18-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. A loan or other financial assistance from the fund must be accompanied by the following:

- (1) All papers and opinions required by the budget agency.
- (2) Unless otherwise provided by rule, the following:
 - (A) An approving opinion of nationally recognized bond counsel **if required by the budget agency.**
 - (B) A certification and guarantee of signatures.
 - (C) A certification that, as of the date of the loan or other financial assistance:
 - (i) no litigation is pending challenging the validity of or entry into the loan or other financial assistance or any security for the loan or other financial assistance; or
 - (ii) if litigation is pending, the litigation will not have a material adverse effect on the validity of the loan or other financial assistance or any security for the loan or other financial assistance.
 - (D) If litigation is pending, as an alternative to the certification described in clause (C), an opinion of legal counsel that the litigation will not have a material adverse effect on the validity of the loan or other financial assistance.

SECTION 15. IC 13-18-13-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. A **political subdivision participant** receiving a loan or other financial assistance from the fund shall enter into a financial assistance agreement. A financial assistance agreement is a valid, binding, and enforceable agreement of the **political subdivision participant.**

SECTION 16. IC 13-18-13-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. The budget agency may sell loans or evidences of other financial assistance and other obligations of **political subdivisions participants** evidencing the loans or other financial assistance from the fund periodically at any price and on terms acceptable to the budget agency. Proceeds of sales under this section shall be deposited in the fund.

SECTION 17. IC 13-18-13-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The budget agency may pledge loans or evidences of other financial assistance and other obligations of **political subdivisions participants** evidencing the loans or other financial assistance from the fund to secure:

- (1) other loans or financial assistance from the fund to or for the benefit of **political subdivisions; participants; or**
- (2) other loans or financial assistance from the supplemental fund to or for the benefit of **political subdivisions; participants;**

to the extent permitted by the federal Clean Water Act.

(b) The budget agency must approve the terms of a pledge under this section.

(c) Notwithstanding any other law, a pledge of property made by the department and the budget agency under this section or IC 4-23-21-8(e) (before its repeal) is binding from the time the pledge is made. Revenues, other money, or other property pledged and thereafter received are immediately subject to the lien of the pledge without any further act. The lien of a pledge is binding against all parties having claims of any kind in tort, contract, or otherwise against:

- (1) the department;
- (2) the budget agency; or
- (3) the fund;

regardless of whether the parties have notice of any lien.

(d) A resolution, an indenture, or other instrument by which a pledge is created does not have to be filed or recorded, except in the records of the budget agency.

(e) Action taken to:

- (1) enforce a pledge under this section or IC 4-23-21-8(e) (before its repeal); and
- (2) realize the benefits of the pledge;

is limited to the property pledged.

(f) A pledge under this section or IC 4-23-21-8(e) (before its repeal) does not create a liability or indebtedness of the state.

SECTION 18. IC 13-18-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) In recommending to the state board of finance the interest rate or parameters for establishing the interest rate on each loan, as provided in section 10 of this chapter, the budget agency shall recommend and the state

board of finance shall establish the following:

- (1) A base or subsidized interest rate that:
 - (A) would be payable by **political subdivisions participants** other than **political subdivisions participants** described in subdivision (2) or (3); and
 - (B) may provide for the payment of no interest during all or a part of the estimated construction period for the wastewater treatment system.
- (2) A base reduced or more heavily subsidized interest rate, that:
 - (A) would be payable by **political subdivisions participants** whose median household incomes are:
 - (i) not more than the state nonmetropolitan median household income, as determined and reported by the federal government periodically; and
 - (ii) not less than eighty-one percent (81%) of the state nonmetropolitan median household income; and
 - (B) may provide for the payment of no interest during all or a part of the estimated construction period for the wastewater collection and treatment system.
- (3) A base zero (0) or most heavily subsidized interest rate that:
 - (A) would be payable on loans made to **political subdivisions participants** whose median household incomes are not more than eighty percent (80%) of the state nonmetropolitan household income; and
 - (B) may provide for the payment of no interest during all or a part of the estimated construction period of the wastewater collection and treatment system.

(b) The budget agency, in recommending to the state board of finance the interest rate or parameters for establishing the interest rate on each loan under section 10 of this chapter, shall take into account the following:

- (1) Credit risk.
- (2) Environmental enforcement and protection.
- (3) Affordability.
- (4) Other fiscal factors the budget agency considers relevant, including:

- (A) the program's cost of funds; and
- (B) whether the financial assistance provided to a particular participant is taxable or tax exempt under federal law.

Based on the factors set forth in subdivisions (1) through (4), more than one (1) interest rate may be established and used for loans made to different participants in the same interest rate category.

(c) In enacting this section, the general assembly understands that, in financing the program, the Indiana bond bank issued at the budget agency's request, and will continue to issue at the budget agency's request:

- (1) revenue bonds payable from and secured by **political subdivisions; participants;** and
- (2) loan payments made by and loan payments made to **political subdivisions; participants.**

It is not the intent of the general assembly to cause the budget agency or the state board of finance to establish interest rates on loans or parameters for establishing interest rates that would cause the bond bank's revenue bonds to be insecure or otherwise negatively affect the ability of the state to continue to finance the program.

SECTION 19. IC 13-18-13-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. The budget agency shall require that a **political subdivision receiving participant that owns or operates a wastewater collection and treatment system and that receives a loan or other financial assistance under this chapter** to establish under applicable statute and maintain sufficient user charges or other charges, fees, taxes, special assessments, or revenues available to the **political subdivision participant** to:

- (1) operate and maintain the wastewater collection and treatment system; and
- (2) pay the obligations of the system.

SECTION 20. IC 13-18-13-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) Notwithstanding any other law and if provided in a financial assistance agreement, any

state department or state agency, including the treasurer of state:

- (1) that is the custodian of money payable to a ~~political subdivision; participant~~, other than money in payment for goods or services provided by the ~~political subdivision; participant~~; and
- (2) after written notice from the budget director that the ~~political subdivision participant~~ is in default on the payment of principal or interest on a loan or evidence of other financial assistance; may withhold payment of money from that ~~political subdivision participant~~ and pay over the money to the budget agency or the Indiana bond bank, as directed by the budget director, for the purpose of curing the default.

(b) The withholding of payment from the ~~political subdivision participant~~ and payment to:

- (1) the budget agency; or
- (2) the Indiana bond bank;

as applicable, may not adversely affect the validity of the defaulted loan or other financial assistance.

SECTION 21. IC 13-18-13-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) The ~~water pollution control board and the~~ budget agency may ~~jointly~~ adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter.

(b) **All rules adopted by the board to implement this chapter are void. The publisher of the Indiana Administrative Code shall remove these rules from the Indiana Administrative Code.**

(c) **All rules adopted by the budget agency before July 1, 2001, are void to the extent that the rules designate the department to manage or administer any aspect of the program.**

SECTION 22. IC 13-18-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) Notwithstanding any other law, a ~~political subdivision participant that is a political subdivision~~ may borrow money from the budget agency by negotiating a loan or other financial assistance directly and without complying with requirements for the competitive sale of bonds, notes, or other obligations or evidences of indebtedness. A ~~political subdivision participant that is a political subdivision~~ shall observe any **applicable** existing contractual commitments to bondholders or other persons when entering into a financial assistance agreement.

(b) Notwithstanding any other law, a ~~political subdivision participant that is a political subdivision~~ may issue and sell its notes, the principal and accrued interest on which shall be paid with proceeds from the issuance of its bonds or other available money at the time the notes are due. The notes must be issued pursuant to a resolution or ordinance and the proceeds must be used to carry out the purposes specified in this chapter.

(c) A ~~political subdivision participant that is a political subdivision~~ that issues notes under subsection (b) or IC 4-23-21-13 (before its repeal) may renew or extend the notes periodically on terms agreed to with the budget agency, and the budget agency may purchase and sell the renewed or extended notes. Accrued interest on the date of renewal or extension may be paid or added to the principal amount of the note being renewed or extended.

(d) The notes issued by a ~~political subdivision participant that is a political subdivision~~ under subsection (b), including any renewals or extensions, must mature:

- (1) in the amounts; and
- (2) at the times not exceeding four (4) years from the date of original issuance;

that are agreed to by the ~~political subdivision participant~~ and the budget agency.

(e) Compliance with subsection (b) constitutes full authority for a ~~political subdivision participant that is a political subdivision~~ to issue its notes and sell the notes ~~to the department and the budget agency~~, **for the benefit of the program**, and the ~~political subdivision participant~~ is not required to comply with any other law applicable to the authorization, approval, issuance, and sale of its notes. These notes are:

- (1) valid and binding obligations of the ~~political subdivision; participant~~;
- (2) enforceable in accordance with the terms of the notes; and

(3) payable solely from the sources specified in the resolution or ordinance authorizing the issuance of the notes.

(f) If the ~~political subdivision participant that is a political subdivision~~ issues bonds, all or part of the proceeds of which will be used to pay the notes issued under subsection (b), neither:

- (1) the provisions of this section; nor
- (2) the actual issuance by a ~~political subdivision participant~~ of notes under subsection (b);

relieves the ~~political subdivision participant~~ of the obligation to comply with the statutory requirements for the issuance of bonds.

SECTION 23. IC 13-18-13-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) As an alternative to making loans or providing other financial assistance to ~~political subdivisions; participants~~, the budget agency may use the money in the fund or the supplemental fund to provide a leveraged loan program and other financial assistance programs permitted by the federal Clean Water Act to or for the benefit of ~~political subdivisions; participants~~, including using money in the fund or the supplemental fund to enhance the obligations of ~~political subdivisions participants~~ issued for the purposes of this chapter by:

- (1) granting money to:
 - (A) be deposited in:
 - (i) a capital or reserve fund established under IC 5-1.5 or another statute or a trust agreement or indenture as contemplated by IC 13-18-13-2(e); or
 - (ii) an account established within such a fund; or
 - (B) provide interest subsidies;
- (2) paying bond insurance premiums, reserve insurance premiums, or credit enhancement, liquidity support, remarketing, or conversion fees, or other similar fees or costs for obligations of a ~~political subdivision participant~~ or for bonds issued by the Indiana bond bank if credit market access is improved or interest rates are reduced; or
- (3) guaranteeing all or a part of obligations issued by ~~political subdivisions participants~~ or of bonds issued by the Indiana bond bank.

(b) The budget agency may enter into any agreements with the Indiana bond bank or ~~political subdivisions participants~~ to carry out the purposes specified in this chapter.

(c) A guarantee of obligations or bonds under subsection (a)(3) must be limited to money in the fund and the supplemental fund. A guarantee under subsection (a)(3) does not create a liability or indebtedness of the state.

SECTION 24. IC 13-18-21-3, AS AMENDED BY P.L.132-1999, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Money in the fund may be used to do the following:

- (1) Provide loans or other financial assistance to participants for the:
 - (A) planning;
 - (B) designing;
 - (C) construction;
 - (D) renovation;
 - (E) improvement;
 - (F) expansion; or
 - (G) any combination of clauses (A) through (F);

for public water systems that will facilitate compliance with national primary drinking water regulations applicable to public water systems under the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) or otherwise significantly further the health protection objectives of the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and other activities necessary or convenient to complete these tasks.

(2) Except as provided in the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.), pay the cost of administering the fund and the program.

(3) Conduct all other activities that are allowed by the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(b) Notwithstanding section 2(g) of this chapter, if an adequate state match is available, the ~~department and the~~ budget agency **shall** **may** use **not more than** two percent (2%) of the funds allotted to the

state under 42 U.S.C. 300j-12 to provide technical assistance to participants for public water systems serving not more than ten thousand (10,000) persons in Indiana. ~~The department and the budget agency may jointly contract with a person or persons to provide the technical assistance. Funds used under this subsection may not be used for enforcement actions.~~

(c) ~~To the extent permitted by this chapter, required by the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.), and subject to any banking for technical assistance in prior state fiscal years permitted under that act,~~ fifteen percent (15%) of the amount credited to the fund in a state fiscal year shall be available solely for providing loan assistance to participants for public water systems regularly serving less than ten thousand (10,000) persons in Indiana ~~to the extent that the money can be obligated for eligible projects under the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.): program.~~

(d) To avoid the loss of money allotted to the state under 42 U.S.C. 300j-12 et seq., the ~~budget agency and the department~~ state shall develop and implement a strategy to assist participants in acquiring and maintaining technical, managerial, and financial capacity as contemplated by 42 U.S.C. 300g-9. This is all the legal authority required by the state for the budget agency ~~and the department~~ to ensure that all new community watersystems and new nontransient, noncommunity water systems, as contemplated by the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.), commencing operations after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each federal primary drinking water regulation in effect on the date operations commence. ~~The department has primary responsibility to carry out this subsection.~~

(e) This chapter does not require the budget agency to provide a loan or other financial assistance to any participant that would cause any bonds or other obligations issued to finance the program to lose their exemption from federal income taxation.

SECTION 25. IC 13-18-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. ~~The department and the budget agency shall administer and manage the fund and program in accordance with this chapter.~~

SECTION 26. IC 13-18-21-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) **Except as provided in subsection (b), the budget agency shall manage and administer all aspects of the program.**

(b) **The budget agency shall designate aspects of the program to be managed and administered by the department. When the budget agency makes a designation under this subsection, the budget agency shall direct the department in writing to manage and administer the designated aspects of the program.**

(c) **The budget agency shall fix a budget for the aspects of the program to be:**

- (1) **managed and administered by the department under subsection (b); and**
- (2) **funded from:**
 - (A) **the fund; or**
 - (B) **a capitalization grant made by the United States Environmental Protection Agency for the benefit of the program.**

SECTION 27. IC 13-18-21-8, AS AMENDED BY P.L.132-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) ~~The department and the budget agency may:~~

- (1) ~~provide services to a participant in connection with a loan or other financial assistance, including advisory and other services; and~~
- (2) ~~charge a fee for services provided.~~

(b) ~~The department and the budget agency may charge a fee for costs and services incurred in the review or consideration of an application for a proposed loan or other financial assistance under this chapter to or for the benefit of a participant, regardless of whether the application is approved or rejected.~~

(c) A political subdivision may pay fees charged under this section.

SECTION 28. IC 13-18-21-9, AS AMENDED BY P.L.132-1999, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) ~~The department budget agency shall use a~~

priority ranking system to recommend loans or other financial assistance from the fund. ~~The department budget agency shall develop the priority ranking system consistent with federal primary drinking water regulations and health protection objectives of the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.).~~

(b) ~~Based on the recommendations made under subsection (a), and subject to any bypass procedures implemented by the budget agency to efficiently render program assistance,~~ the budget agency may make loans and provide other financial assistance from the fund to or for the benefit of participants.

SECTION 29. IC 13-18-21-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) ~~The water pollution control board and the budget agency may jointly adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter.~~

(b) **All rules adopted by the board to implement this chapter are void. The publisher of the Indiana Administrative Code shall remove these rules from the Indiana Administrative Code.**

(c) **All rules adopted by the budget agency are void to the extent that the rules designate the department to manage or administer any aspect of the program.**

SECTION 30. IC 13-18-21-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) Notwithstanding any other law, a political subdivision may borrow money under this chapter by negotiating a loan or other financial assistance directly and without complying with requirements for the competitive sale of bonds, notes, or other obligations or evidences of indebtedness. A political subdivision shall observe any existing contractual commitments to bondholders or other persons when entering into a financial assistance agreement.

(b) Notwithstanding any other law, a political subdivision may issue and sell notes, the principal and accrued interest on which shall be paid with proceeds from the issuance of bonds or other available money at the time the notes are due. The notes must be issued under a resolution or ordinance and the proceeds must be used to carry out the purposes specified in this chapter.

(c) A political subdivision that issues notes under subsection (b) may renew or extend the notes periodically on terms agreed to with the budget agency, and the budget agency may purchase and sell the renewed or extended notes. Accrued interest on the date of renewal or extension may be paid or added to the principal amount of the note being renewed or extended.

(d) The notes issued by a political subdivision under subsection (b), including any renewals or extensions, must mature:

- (1) in the amounts; and
- (2) at the times not exceeding four (4) years from the date of original issuance;

that are agreed to by the political subdivision and the budget agency.

(e) Compliance with subsection (b) constitutes full authority for a political subdivision to issue notes and sell the notes ~~to the department and the budget agency; for the benefit of the program,~~ and the political subdivision is not required to comply with any other law applicable to the authorization, approval, issuance, and sale of the notes. The notes are:

- (1) valid and binding obligations of the political subdivision;
- (2) enforceable in accordance with the terms of the notes; and
- (3) payable solely from the sources specified in the resolution or ordinance authorizing the issuance of the notes.

(f) If the political subdivision issues bonds, all or part of the proceeds of which will be used to pay notes issued under subsection (b), the:

- (1) provisions of this section; or
- (2) actual issuance by a political subdivision of notes under subsection (b);

do not relieve the political subdivision of the obligation to comply with the statutory requirements for the issuance of bonds.

SECTION 31. IC 13-18-21-22, AS AMENDED BY P.L.132-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) The supplemental drinking water and wastewater assistance fund is established to provide money for grants, loans, and other financial assistance to or for the benefit of

~~(1) participants for the purposes described in section 23(1) section 23 of this chapter. and~~

~~(2) political subdivisions for the purposes described in section 23(2) of this chapter.~~

(b) The general assembly may appropriate money to the supplemental fund. Grants or gifts of money to the supplemental fund and proceeds of the sale of:

- (1) gifts to the supplemental fund; and
- (2) loans and other financial assistance, as provided in sections 25 through 29 of this chapter;

shall be deposited in the supplemental fund.

(c) Repayments of loans and other financial assistance from the supplemental fund, including interest, premiums, and penalties, shall be deposited in the supplemental fund.

(d) The treasurer of state shall invest the money in the supplemental fund that is:

- (1) not currently needed to meet the obligations of the supplemental fund; and
- (2) not invested under subsection (e);

in the same manner as other public money may be invested. Earnings that accrue from the investments shall be deposited in the supplemental fund.

(e) As an alternative to the investment provided for in subsection (d), the budget agency may invest or cause to be invested all or a part of the supplemental fund in a fiduciary account or accounts with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with one (1) or more trust agreements or indentures. A trust agreement or indenture may permit disbursements by the trustee to the department, the budget agency, a participant, the Indiana bond bank, or any other person as provided in the trust agreement or indenture. The state board of finance must approve the form of any trust agreement or indenture before execution.

(f) The cost of administering the supplemental fund may be paid from money in the supplemental fund.

(g) All money accruing to the supplemental fund is appropriated continuously for the purposes specified in this chapter.

(h) Money in the supplemental fund does not revert to the state general fund at the end of a state fiscal year.

SECTION 32. IC 13-18-21-23, AS AMENDED BY P.L.132-1999, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) Money in the supplemental fund may be used to do the following:

(1) Provide grants, loans, or other financial assistance to or for the benefit of participants for:

- (A) the planning, designing, acquisition, construction, renovation, improvement, or expansion of public water systems; and
- ~~other activities necessary or convenient to complete these tasks, whether or not those other activities are permitted by the federal Clean Water Act or the federal Safe Drinking Water Act.~~

~~(2) Provide grants, loans, or other financial assistance to or for the benefit of political subdivisions for:~~

- (B) the planning, designing, acquisition, construction, renovation, improvement, or expansion of wastewater or stormwater collection and treatment systems;
- (C) **nonpoint source pollution reduction projects related to confined feeding operations, farm field runoff, or failing sewage disposal systems;** and
- (D) other activities necessary or convenient to complete these tasks, whether or not those other activities are permitted by the federal Clean Water Act or the federal Safe Drinking Water Act.

~~(3) (2) Pay the cost of administering the supplemental fund and the supplemental program.~~

~~(4) (3) Conduct all other activities that are permitted by the federal Clean Water Act or the federal Safe Drinking Water Act.~~

(b) **For any state fiscal year, the budget agency may use not more than three percent (3%) of the amount estimated by the budget agency to be available for financial assistance from the supplemental**

fund for the year for providing loan assistance to participants for nonpoint source pollution reduction projects related to confined feeding operations, farm field runoff, or failing sewage disposal systems. Amounts estimated to be available for nonpoint source projects for any year that remain unused at the end of the year may be carried forward for use in any subsequent state fiscal year.

SECTION 33. IC 13-18-21-25, AS AMENDED BY P.L.132-1999, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. (a) The budget agency may make grants or loans or provide other financial assistance from the supplemental fund for the benefit of a participant under the following conditions:

(1) A grant, loan, or other financial assistance may be used:

- (A) for planning, designing, acquiring, constructing, renovating, improving, or expanding public water systems, and other activities necessary or convenient to complete these tasks;

(B) to:

- (i) establish reserves or sinking funds; or
- (ii) provide interest subsidies;

(C) to pay financing charges, including interest on the loan during construction and for a reasonable period after the completion of construction; or

(D) to pay the following:

- (i) Consultant, advisory, and legal fees.
- (ii) Other costs or expenses necessary or incident to the grant, loan, or other financial assistance or the administration of the supplemental fund or the supplemental program.

(2) The budget agency must establish the terms and conditions that the budget agency considers necessary or convenient to make grants or loans or provide other financial assistance under this chapter.

(b) In addition to its powers under subsection (a), the budget agency may also make grants or loans or provide other financial assistance from the supplemental fund to or for the benefit of a ~~political subdivision~~ **participant** under the following conditions:

(1) A grant, loan, or other financial assistance may be used:

- (A) for planning, designing, acquiring, constructing, renovating, improving, or expanding wastewater or stormwater collection and treatment systems **and nonpoint source pollution reduction projects related to confined feeding operations, farm field runoff, or failing sewage disposal systems,** and other activities necessary or convenient to complete these tasks;

(B) to:

- (i) establish reserves or sinking funds; or
- (ii) provide interest subsidies;

(C) to pay financing charges, including interest on the loan during construction and for a reasonable period after the completion of construction; or

(D) to pay the following:

- (i) Consultant, advisory, and legal fees.
- (ii) Other costs or expenses necessary or incident to the grant, loan, or other financial assistance or the administration of the supplemental fund or the supplemental program.

(2) The budget agency must establish the terms and conditions that the budget agency considers necessary or convenient to make grants or loans or provide other financial assistance under this chapter.

(c) The budget agency is not required to establish uniform terms and conditions applicable to all loans or other financial assistance under this section. Differences in the terms and conditions may be based on:

- (1) credit;**
- (2) loan structure;**
- (3) capital access;**
- (4) whether a participant is a political subdivision or a private entity; or**
- (5) other factors the budget agency considers relevant.**

SECTION 34. THE FOLLOWING ARE REPEALED [EFFECTIVE

JULY 1, 2001]: IC 13-18-13-4; IC 13-18-13-5; IC 13-18-13-6; IC 13-18-21-5; IC13-18-21-6.

Renumber all SECTIONS consecutively.
(Reference is to ESB 243 as printed April 3, 2001.)

WEINZAPFEL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 317

Representative Fry called down Engrossed Senate Bill 317 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 317-2)

Mr. Speaker: I move that Engrossed Senate Bill 317 be amended to read as follows:

Page 4, between lines 1 and 2, begin a new paragraph and insert:
"(1) The commission shall issue an order within one hundred fifty (150) days after a petition seeking approval under this section is filed. If the commission fails to issue an order within one hundred fifty (150) days after the petition is filed, the petition is considered approved."

Page 4, line 2, delete "(l)" and insert "(m)".

Page 4, line 9, delete "(m)" and insert "(n)".

Page 9, between lines 24 and 25, begin a new paragraph and insert:
"Sec. 1. This chapter does not apply to a merchant power plant that has filed a petition with the commission under IC 8-1-2.5 before March 1, 2001, seeking an order that the commission decline to exercise, in whole or in part, its jurisdiction over the merchant power plant."

Page 9, line 25, delete "1." and insert "2."

Page 10, line 4, delete "2. (a) A" and insert "3. Except as provided in section 1 of this chapter, a".

Page 10, delete lines 6 through 10.

Page 10, line 11, delete "3." and insert "4."

Page 10, delete line 18, begin a new line block indented and insert:
"(5) Impact on electric, water, and natural gas suppliers and customers.

(6) The recommendation of the department of natural resources under section 5 of this chapter.

(b) The commission shall issue a decision either approving or denying a merchant power plant's petition under IC 8-1-2.5 or IC 8-1-8.5 not later than eighteen (18) months after the date of the petition.

Sec. 5. (a) When petitioning the commission under IC 8-1-2.5 or IC 8-1-8.5, a merchant power plant must establish proof of financial responsibility by filing one (1) or a combination of the following with the commission:

- (1) A fully funded trust fund agreement.
- (2) A surety bond with a standby trust fund agreement.
- (3) A letter of credit with a standby trust fund agreement.
- (4) An insurance policy with a standby trust fund agreement.
- (5) Proof that the merchant power plant meets a financial test established by the commission and equivalent to one (1) of the items in subdivisions (1) through (4).

(b) The amount of financial responsibility that a merchant power plant must establish under this section shall be determined by the commission. In all cases, the amount must be sufficient to close the merchant power plant in a manner that:

- (1) minimizes the need for further maintenance and remediation; and
- (2) provides reasonable, foreseeable, and necessary maintenance and remediation after closure for at least twenty (20) years after the merchant power plant ceases operations.

(c) The commission may use:

- (1) a trust fund agreement;
- (2) a surety bond;
- (3) a letter of credit;
- (4) an insurance policy; or
- (5) other proof of financial responsibility;

filed under this section for the closure or post-closure monitoring, maintenance, or remediation of a merchant power plant approved by

the commission, if the merchant power plant does not comply with closure or post-closure standards established by the commission under subsection (d).

(d) The commission shall adopt rules under IC 4-22-2 to establish the following:

(1) Standards for the proper closure and post-closure monitoring, maintenance, and remediation of merchant power plants.

(2) Criteria for how money in a trust fund agreement, a surety bond, a letter of credit, an insurance policy, or other proof of financial responsibility provided by a merchant power plant may be released to the merchant power plant when the merchant power plant meets the closure and post-closure standards established under subdivision (1).

Sec. 6. (a) Not later than seven (7) days after filing a petition under IC 8-1-2.5 or IC 8-1-8.5, a merchant power plant shall:

(1) send notice of the petition, including a description of the facility or proposed facility, by United States mail to all record owners of real property located within one (1) mile of the proposed facility; and

(2) cause notice of the petition, including a description of the facility or proposed facility, to be published in a newspaper of general circulation in each county in which the facility or proposed facility is or will be located.

(b) The notice of the petition shall include:

- (1) a description of the facility or proposed facility; and
- (2) the location, date, and time of the field hearing required by section 7 of this chapter.

Sec. 7. Not later than thirty (30) days after filing a petition under IC 8-1-2.5 or IC 8-1-8.5, a merchant power plant shall conduct a field hearing at a location in a county in which the facility or proposed facility is or will be located. The purpose of the field hearing is to determine local support for the merchant power plant.

Sec. 8. Not later than thirty (30) days after the field hearing required by section 7 of this chapter, a majority of the persons described in section 4(a)(1) of this chapter may request in writing a hearing before the commission.

Sec. 9. (a) Not later than thirty (30) days after a hearing is requested under section 8 of this chapter, the commission shall conduct a hearing at a location in a county in which the facility or proposed facility is or will be located. The hearing required by this subsection must be held:

- (1) before or at the same time as the hearing required under IC 8-1-8.5-5(b); and
- (2) before the commission issues a certificate of public convenience and necessity under IC 8-1-8.5.

(b) At least ten (10) days before the scheduled hearing, notice of the hearing must be served by first class mail on:

- (1) all record owners of property located within one-half (1/2) mile of the proposed facility; and
- (2) the merchant power plant.

(c) The parties to the hearing include:

- (1) a person entitled to notice under section 9(b)(1) of this chapter; and
- (2) the merchant power plant.

(d) The commission shall accept written or oral testimony from any person who appears at the public hearing, but the right to call and examine witnesses is reserved for the parties to the hearing.

(e) The commission shall make a record of the hearing and all testimony received. The commission shall make the record available for public inspection.

Sec. 10. Not later than forty-five (45) days after a hearing is conducted under section 9 of this chapter, the commission shall issue written findings based on the testimony presented at the hearing. To the extent the commission's findings differ from testimony presented at the hearing, the commission must explain its findings."

Page 10, line 19, delete "4." and insert "11."

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"Sec. 12. (a) For purposes of this section:

- (1) "department" refers to the department of natural resources; and
- (2) "water resource" has the meaning set forth in IC 14-25-7-8.

(b) When considering whether to approve a merchant power plant, the commission shall obtain a recommendation from the department regarding the merchant power plant's planned use of and its potential effect on the water resource.

(c) To make its recommendation, the department may do the following:

- (1) Rely on the merchant power plant's water resource assessment under subsection (d).
- (2) Consult with and advise users of the water resource.
- (3) Enter upon any land or water in Indiana to evaluate the effect of the merchant power plant on the water resource.
- (4) Conduct studies to evaluate the availability and most practical method of withdrawal, development, conservation, and use of the water resource.
- (5) Require metering or other reasonable measuring of water withdrawals and reporting of the measurement to the department.
- (6) Engage in any other activity necessary to carry out the purposes of this section.

(d) A merchant power plant shall provide an assessment of its effect on the water resource and its users to the commission and the department. The assessment shall be prepared by a licensed professional geologist (as defined in IC 25-17.6-1-6.5) or an engineer licensed under IC 25-31-1. The assessment must include the following information:

- (1) Sources of water supply.
- (2) Total amount of water to be used by the merchant power plant for each source.
- (3) Location of wells or points of withdrawal.
- (4) Ability of the water resource to meet the needs of the merchant power plant and other users.
- (5) Probable effects of the merchant power plant's use and consumption of the water resource on other users.
- (6) Alternative sources of water supply.
- (7) Conservation measures proposed by the merchant power plant for reducing the plant's effect on the water resource.
- (8) Other information required by any other law, rule, or regulation."

Page 10, line 28, delete "5." and insert "13."

(Reference is to ESB 317 as printed April 10, 2001.)

FRY

Motion prevailed.

HOUSE MOTION
(Amendment 317-1)

Mr. Speaker: I move that Engrossed Senate Bill 317 be amended to read as follows:

Page 11, after line 15, begin a new paragraph and insert:

SECTION 9. IC 13-18-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. A lift station that will be used as part of a sanitary sewer system may not be constructed within one thousand (1,000) feet of a body of water that is inhabited by aquatic life if the body of water is within:**

- (1) one thousand (1,000) feet of another body of water that is inhabited by aquatic life; and
- (2) one thousand five hundred (1,500) feet of the White River.

SECTION 10. **An emergency is declared for this act.**

(Reference is to ESB 317 as printed April 9, 2001.)

FRY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 352

Representative Crooks called down Engrossed Senate Bill 352 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 352-2)

Mr. Speaker: I move that Engrossed Senate Bill 352 be amended to read as follows:

Page 3, line 39, strike "but:" and insert "."

Page 3, strike lines 40 through 42.

Page 4, strike lines 1 through 8.

(Reference is to ESB 352 as printed March 28, 2001.)

CROOKS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 373

Representative V. Smith called down Engrossed Senate Bill 373 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 373-4)

Mr. Speaker: I move that Engrossed Senate Bill 373 be amended to read as follows:

Page 7, delete lines 25 through 33.

Renumber all SECTIONS consecutively.

(Reference is to ESB 373 as printed April 9, 2001.)

V. SMITH

Motion prevailed.

HOUSE MOTION
(Amendment 373-5)

Mr. Speaker: I move that Engrossed Senate Bill 373 be amended to read as follows:

Page 5, line 39, after "The" insert "**Indiana**".

Page 5, line 39, delete "correction" and insert "**administration**".

Page 7, line 11, delete "The department shall provide and maintain office space".

Page 7, delete line 12.

Page 7, line 13, delete "Sec. 5".

Page 7, run in lines 11 through 13.

(Reference is to ESB 373 as printed April 9, 2001.)

V. SMITH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 386

Representative Crooks called down Engrossed Senate Bill 386 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 386-1)

Mr. Speaker: I move that Engrossed Senate Bill 386 be amended to read as follows:

Page 4, delete lines 18 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 21.

Page 8, delete lines 27 through 42.

Delete pages 9 through 45.

Page 46, delete lines 1 through 14.

Page 48, delete lines 38 through 42.

Delete pages 49 through 73.

Page 74, delete lines 1 through 20.

Page 76, delete lines 28 through 42.

Page 77, delete lines 1 through 9.

Page 77, delete lines 12 through 14.

Renumber all SECTIONS consecutively.

(Reference is to ESB 386 as printed April 9, 2001.)

CROOKS

Motion prevailed.

HOUSE MOTION
(Amendment 386-4)

Mr. Speaker: I move that Engrossed Senate Bill 386 be amended to read as follows:

Page 40, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 12. IC 27-2-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 20. Privacy of Consumer Information

Sec. 1. (a) This chapter applies to nonpublic personal financial information regarding individuals who:

- (1) obtain; or
- (2) are claimants or beneficiaries of; products or services primarily for personal, family, or household purposes from licensees of the department of insurance.

(b) This chapter does not apply to information regarding companies or regarding individuals who obtain products or services for business, commercial, or agricultural purposes.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Affiliate" means a company that controls, is controlled by, or is under common control with, another company.

(2) "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice. The following are examples:

(A) A licensee makes the licensee's notice reasonably understandable if the licensee does the following:

- (i) Presents the information in the notice in clear, concise sentences, paragraphs, and sections.
- (ii) Uses short explanatory sentences or bullet lists whenever possible.
- (iii) Uses definite, concrete, everyday words and active voice whenever possible.
- (iv) Avoids multiple negatives.
- (v) Avoids legal and highly technical business terminology whenever possible.
- (vi) Avoids explanations that are imprecise and readily subject to different interpretations.

(B) A licensee designs the licensee's notice to call attention to the nature and significance of the information in the notice if the licensee does the following:

- (i) Uses a plain-language heading to call attention to the notice.
- (ii) Uses a typeface and type size that are easy to read.
- (iii) Provides wide margins and ample line spacing.
- (iv) Uses boldface or italics for key words.
- (v) In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

(C) If a licensee provides a notice on a Web page, the licensee designs the licensee's notice to call attention to the nature and significance of the information in the notice if the licensee uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensure that other elements on the Web site, such as text, graphics, hyperlinks, or sound, do not distract attention from the notice, and the licensee does either of the following:

- (i) Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted.
- (ii) Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature, and relevance of the notice.

(3) "Collect" means to obtain information that a licensee organizes or can retrieve by the name of an individual or by identifying number, symbol, or other identifying particular assigned to the individual, regardless of the source of the underlying information.

(4) "Commissioner" means the commissioner of the Indiana department of insurance.

(5) "Company" means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship, or similar organization.

(6) "Consumer" means an individual who seeks to obtain, obtains, or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family, or household purposes, and about whom the licensee has nonpublic personal information, or the individual's legal representative, including the following:

(A) An individual provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship.

(B) An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer.

(C) An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as an agent for, or provides processing or other services to, that financial institution.

(D) An individual is a licensee's consumer if the individual is:

- (i) a beneficiary of a life insurance policy underwritten by the licensee;
- (ii) a claimant under an insurance policy issued by the licensee;
- (iii) an insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee; or
- (iv) a mortgagor of a mortgage covered under a mortgage insurance policy;

and the licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under sections 12, 13, and 14 of this chapter.

(E) If the licensee provides the initial, annual, and revised notices under sections 3, 4, and 7 of this chapter to the plan sponsor, group, or blanket insurance policyholder or group annuity contractholder, and if the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about the individual other than as permitted under sections 12, 13, and 14 of this chapter, an individual is not the consumer of the licensee solely because the individual is:

- (i) a participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer, or fiduciary;
- (ii) covered under a group or blanket insurance policy or group annuity contract issued by the licensee; or
- (iii) a beneficiary in a workers' compensation plan.

(F) The individuals described in clause (E)(i) through (E)(iii) are consumers of a licensee if the licensee does not meet all the conditions of this subdivision. In no event shall the individuals, solely by virtue of the status described in clause (E)(i) through (E)(iii), be considered to be customers.

(G) An individual is not a licensee's consumer solely because the individual is a beneficiary of a trust for which the licensee is a trustee.

(H) An individual is not a licensee's consumer solely because the individual has designated the licensee as trustee for a trust.

(7) "Consumer reporting agency" has the meaning set forth in section 603(f) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

(8) "Control" means any of the following:

(A) Ownership, control, or power to vote twenty-five percent (25%) or more of the outstanding shares of any class of voting security of a company, directly or indirectly, or acting through one (1) or more other persons.

(B) Control in any manner over the election of a majority of the directors, trustees, general partners, or individuals exercising similar functions, of a company.

(C) The power to exercise, directly or indirectly, a

controlling influence over the management or policies of a company, as determined by the commissioner.

(9) "Customer" means a consumer who has a customer relationship with a licensee.

(10) "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides one (1) or more insurance products or services to the consumer that are to be used primarily for personal, family, or household purposes, including the following:

(A) A consumer has a continuing relationship with a licensee if the consumer:

- (i) is a current policyholder of an insurance product issued by or through the licensee; or
- (ii) obtains financial, investment, or economic advisory services relating to an insurance product or service from the licensee for a fee.

(B) A consumer does not have a continuing relationship with a licensee in any of the following circumstances:

- (i) The consumer applies for insurance but does not purchase the insurance.
- (ii) The licensee sells the consumer airline travel insurance in an isolated transaction.
- (iii) The individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.
- (iv) The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee.
- (v) The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option.
- (vi) The customer's policy is lapsed, expired, or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of twelve (12) consecutive months, other than annual privacy notices, material required by law or rule, communication at the direction of a state or federal authority, or promotional materials.
- (vii) The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity.
- (viii) For the purposes of this chapter, the individual's last known address, according to the licensee's records, is considered invalid. An address of record is considered invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(11) "Financial institution" means an institution the business of which is engaging in activities that are financial in nature or incidental to financial activities as described in section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k). The term does not include the following:

- (A) A person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act, 7 U.S.C. 1 et seq.
- (B) The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971, 12 U.S.C. 2001 et seq.
- (C) Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights), or similar transactions related to a transaction of a consumer, as long as the institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

(12) "Financial product or service" means a product or service

that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k). "Financial service" includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

(13) "Health information" means any information or data, except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or a consumer that relates to any of the following:

- (A) The past, present, or future physical, mental, or behavioral health or condition of an individual.
- (B) The provision of health care to an individual.

(C) Payment for the provision of health care to an individual.

(14) "Insurance product or service" means any product or service that is offered by a licensee under the insurance laws of Indiana. "Insurance service" includes a licensee's evaluation, brokerage, or distribution of information that the licensee collects in connection with a request or an application from a consumer for an insurance product or service.

(15) "Licensee" means licensed insurers, health maintenance organizations, agents, producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered under IC 27. The following requirements apply:

(A) A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in section 1 of this chapter, this section, and sections 3 through 15 of this chapter if the licensee is an employee, agent, or other representative of another licensee and:

- (i) the other licensee otherwise complies with, and provides the notices required under this chapter; and
- (ii) the licensee does not disclose any nonpublic personal information to any person other than the principal or affiliates of the principal in a manner permitted under this chapter.

(B) A licensee includes an unauthorized insurer that accepts business placed through a licensed surplus lines broker in Indiana, but only with regard to the surplus lines placements placed under IC 27-1-15.5-5. A surplus lines broker or surplus lines insurer is considered to be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in section 1 of this chapter, this section, and sections 3 through 15 of this chapter if the surplus lines agent or insurer:

- (i) does not disclose nonpublic personal information of a consumer or a customer to a nonaffiliated third party for any purpose, including joint servicing or marketing under section 12 of this chapter, except as permitted under section 13 or 14 of this chapter; and
- (ii) delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16 point type:

PRIVACY NOTICE

NEITHER THE U.S. SURPLUS LINES AGENTS THAT HANDLED THIS INSURANCE NOR THE INSURERS THAT HAVE UNDERWRITTEN THIS INSURANCE WILL DISCLOSE NONPUBLIC PERSONAL INFORMATION CONCERNING THE BUYER TO NONAFFILIATES OF THE BROKERS OR INSURERS EXCEPT AS PERMITTED BY LAW.

(16) "Nonaffiliated third party" means a person other than a licensee's affiliate or a person employed jointly by a licensee and any company that is not the licensee's affiliate. The term includes either of the following:

- (A) The other company that jointly employs the person.
- (B) A company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by

the licensee or the licensee's affiliate in conducting merchant banking or investment banking activities or insurance company investment activities of the type described in the federal Bank Holding Company Act, 12 U.S.C. 1843(k)(4)(H) and 12 U.S.C. 1843(k)(4)(I).

(17) "Nonpublic personal financial information" means personally identifiable financial information and a list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using a personally identifiable financial information that is not publicly available, including a list of individuals' names and street addresses that is derived in whole or in part using personally identifiable financial information that is not publicly available, such as account numbers. The term does not include any of the following:

(A) Health information.

(B) Publicly available information, except as included on a list described in subdivision (23).

(C) A list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

(D) A list of the names and addresses of individuals that contains only publicly available information, is not derived in whole or in part using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

(18) "Nonpublic personal information" means nonpublic personal financial information.

(19) "Personally identifiable financial information" means information provided by a consumer to a licensee to obtain an insurance product or service from the licensee, information about a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer, or information a licensee otherwise obtains about a consumer in connection with providing an insurance product or service to the consumer, including the following:

(A) Information a consumer provides to a licensee on an application to obtain an insurance product or service.

(B) Account balance information and payment history.

(C) The fact that an individual is or has been a customer of the licensee or has obtained an insurance product or service from the licensee.

(D) Information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been a consumer of the licensee.

(E) Information that a consumer provides to a licensee or that the licensee or an agent of the licensee otherwise obtains in connection with collecting on a loan or servicing a loan.

(F) Information the licensee collects through an Internet cookie (an information-collecting device from a Web server).

(G) Information from a consumer report.

The term does not include health information, a list of names and addresses of customers of an entity that is not a financial institution, or information that does not identify a consumer, including aggregate information or blind data that does not contain personal identifiers, such as account numbers, names or addresses.

(20) "Publicly available information" means information that a licensee has a reasonable basis to believe is lawfully made available to the general public from federal, state, or local government records, widely distributed media, or disclosures to the general public that are required to be made by federal, state, or local law. The following requirements apply:

(A) A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine that the

information is of the type that is available to the general public and whether an individual can direct that the information not be made available to the general public, and, if so, that the licensee's consumer has not done so.

(B) Publicly available information in government records includes information in government real estate records and security interest filings.

(C) Publicly available information from widely distributed media includes information from a:

- (i) telephone book;
- (ii) television;
- (iii) radio program,
- (iv) newspaper; or
- (v) Web site;

that is available to the general public on an unrestricted basis. A Web site is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public.

(D) A licensee has a reasonable basis to believe that mortgage information is lawfully made available to the general public if the licensee has determined that the information is of the type included on the public record in the jurisdiction where the mortgage would be recorded.

(E) A licensee has a reasonable basis to believe that an individual's telephone number is lawfully made available to the general public if the licensee has located the telephone number in the telephone book or the consumer has informed you that the telephone number is not unlisted.

Sec. 3. (a) A licensee shall provide a clear and conspicuous notice that accurately reflects the privacy policies and practices of the licensee to the following:

(1) An individual who becomes the licensee's customer, not later than when the licensee establishes a customer relationship, except as provided in subsection (e).

(2) A consumer, before the licensee discloses any nonpublic personal financial information about the consumer to any nonaffiliated third party, if the licensee makes a disclosure other than as authorized under sections 13 and 14 of this chapter.

(b) A licensee is not required to provide an initial notice to a consumer under subsection (a) in either of the following instances:

(1) The licensee does not disclose any nonpublic personal financial information about the consumer to any nonaffiliated third party, other than as authorized under sections 13 and 14 of this chapter, and the licensee does not have a customer relationship with the consumer.

(2) A notice has been provided by an affiliated licensee, as long as the notice clearly identifies all licensees to whom the notice applies and is accurate with respect to the licensee and the other institutions.

(c) A licensee establishes a customer relationship at the time the licensee and the consumer enter into a continuing relationship. The following are examples of establishing customer relationship:

(1) The consumer becomes a policyholder of a licensee that is an insurer when the insurer delivers an insurance policy or contract to the consumer, or in the case of a licensee that is an insurance producer or insurance agent, obtains insurance through that licensee.

(2) The consumer agrees to obtain financial, economic, or investment advisory services relating to insurance products or services from the licensee for a fee.

(d) When an existing customer obtains a new insurance product or service from a licensee that is to be used primarily for personal, family, or household purposes, the licensee satisfies the initial notice requirements of subsection (a) if:

(1) the licensee provides a revised policy notice, under section 7 of this chapter, that covers the customer's new insurance product or service; or

(2) the initial, revised, or annual notice that the licensee most recently provided to the customer was accurate with respect to

the new insurance product or service.

(e) The following are exceptions that allow subsequent delivery of the required notice:

(1) A licensee may provide the initial notice required under subsection (a)(1) within a reasonable time after the licensee establishes a customer relationship if:

(A) establishing the customer relationship is not at the customer's election; or

(B) providing notice not later than when the licensee establishes a customer relationship would substantially delay the customer's transaction and the customer agrees to receive the notice at a later time.

(2) The following are examples of exceptions:

(A) Establishing a customer relationship is not at the customer's election if a licensee acquires or is assigned a customer's policy from another financial institution or residual market mechanism and the customer does not have a choice about the licensee's acquisition or assignment.

(B) Providing notice not later than when a licensee establishes a customer relationship would substantially delay the customer's transaction when the licensee and the individual agree over the telephone to enter into a customer relationship involving prompt delivery of the insurance product or service.

(C) Providing notice not later than when a licensee establishes a customer relationship would not substantially delay the customer's transaction when the relationship is initiated in person at the licensee's office or through other means by which the customer may view the notice, such as on a Web site.

(f) When a licensee is required to deliver an initial privacy notice under this section, the licensee shall deliver the notice as specified in section 8 of this chapter. If the licensee uses a short form initial notice for non-customers as specified in section 5 of this chapter, the licensee may deliver the privacy notice as specified in section 5(f) of this chapter.

Sec. 4. (a) A licensee shall provide a clear and conspicuous notice to customers that accurately reflects the licensee's privacy policies and practices not less than annually during the continuation of the customer relationship.

(1) As used in this section, "annually" means at least one (1) time in any period of twelve (12) consecutive months during which the relationship exists. A licensee may define the twelve (12) consecutive month period, but the licensee shall apply the period to the customer on a consistent basis.

(2) A licensee provides a notice annually if the licensee defines the twelve (12) consecutive month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice.

(b) A licensee is not required to provide an annual notice to a former customer. As used in this section, "former customer" means an individual with whom a licensee no longer has a continuing relationship and includes the following:

(1) The individual is not a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.

(2) The individual's policy is lapsed, expired, or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of twelve (12) consecutive months, other than to provide annual privacy notices, material required by law or rule, or promotional materials.

(3) An individual if the individual's last known address according to the licensee's records is considered invalid. An address of record is considered invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(4) In the case of providing real estate settlement services, at

the time the customer completes execution of all documents related to the real estate closing, payment for the services has been received, or the licensee has completed all of the licensee's responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

(c) When a licensee is required under this section to deliver an annual privacy notice, the licensee shall deliver the notice as specified under section 8 of this chapter.

Sec. 5. (a) The initial, annual, and revised privacy notices that a licensee provides under sections 3, 4, and 7 of this chapter must include each of the following items of information, in addition to any other information that the licensee provides, that applies to the licensee and to the consumers to whom the licensee sends the licensee's privacy notice:

(1) The categories of nonpublic personal financial information that the licensee collects.

(2) The categories of nonpublic personal financial information that the licensee discloses.

(3) The categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information, other than those parties to whom the licensee discloses information under sections 13 and 14 of this chapter.

(4) The categories of nonpublic personal financial information about the licensee's former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information about the licensee's former customers, other than the parties to whom the licensee discloses information under sections 13 and 14 of this chapter.

(5) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under section 12 of this chapter (and no other exception in sections 13 and 14 of this chapter applies to the disclosure), a separate description of the categories of information that the licensee discloses and the categories of third parties with whom the licensee has contracted.

(6) An explanation of the consumer's right under section 9(a) of this chapter to opt out of the disclosure of nonpublic personal financial information to nonaffiliated third parties, including the methods by which the consumer may exercise the right at that time.

(7) Any disclosures that the licensee makes under section 603(d)(2)(A)(iii) of the federal Fair Credit Reporting Act, 15 U.S.C. 1681a(d)(2)(A)(iii), regarding the ability to opt out of disclosures of information among affiliates.

(8) The licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information.

(9) Any disclosure that the licensee makes under subsection (b).

(b) If a licensee discloses nonpublic personal financial information as authorized under sections 13 and 14 of this chapter, the licensee is not required to list the exceptions in the initial or annual privacy notices required by sections 3 and 4 of this chapter. When describing the categories of parties to whom disclosure is made, the licensee shall state only that the licensee makes disclosures to other affiliated or nonaffiliated third parties, as applicable, as permitted by law.

(c) The following are examples of compliance with this section:

(1) A licensee satisfies the requirement to categorize the nonpublic personal financial information that the licensee collects if the licensee categorizes the information according to the source of the information, as applicable information:

(A) from the consumer;

(B) about the consumer's transactions with the licensee or its affiliates;

(C) about the consumer's transactions with nonaffiliated third parties; and

(D) from a consumer reporting agency.

(2) A licensee satisfies the requirement to categorize

nonpublic personal financial information the licensee discloses if the licensee categorizes the information according to source, as described in subdivision (1), as applicable, and provides examples to illustrate the types of information in each category. The examples include the following:

(A) Information from the consumer, including application information, such as assets and income and identifying information, such as name, address, and Social Security number.

(B) Transaction information, such as information about balances, payment history, and parties to the transaction.

(C) Information from consumer reports, such as a consumer's creditworthiness and credit history.

(3) A licensee does not adequately categorize the information that the licensee discloses if the licensee uses only general terms, such as transaction information about the consumer. If a licensee reserves the right to disclose all of the nonpublic personal financial information about consumers that the licensee collects, the licensee may simply state that fact without describing the categories or examples of nonpublic personal information that the licensee discloses.

(4) A licensee satisfies the requirement to categorize the affiliates and nonaffiliated third parties to which the licensee discloses nonpublic personal financial information about consumers if the licensee identifies the types of businesses in which they engage.

(A) Types of businesses may be described by general terms only if the licensee uses a few illustrative examples of significant lines of business.

(B) A licensee also may categorize the affiliates and nonaffiliated third parties to which the licensee discloses nonpublic personal financial information about consumers using more detailed categories.

(5) If a licensee discloses nonpublic personal financial information under the exception in section 12 of this chapter to a nonaffiliated third party to market products or services that the licensee offers alone or jointly with another financial institution, the licensee satisfies the disclosure requirement of subsection (a)(5) if the licensee:

(A) lists the categories of nonpublic personal financial information that the licensee discloses, using the same categories and examples the licensee used to meet the requirements of subsection (a)(2), as applicable; and

(B) states whether the third party is a:

(i) service provider that performs marketing services on the licensee's behalf or on behalf of the licensee and another financial institution; or

(ii) financial institution with whom the licensee has a joint marketing agreement.

(6) If a licensee does not disclose, and does not reserve the right to disclose, nonpublic personal financial information about customers or former customers to affiliates or nonaffiliated third parties, except as authorized under sections 13 and 14 of this chapter, the licensee may state that fact, in addition to the information that the licensee shall provide under subsections (a)(1), (a)(8), (a)(9), and (b).

(7) A licensee describes the licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal financial information if the licensee does both of the following:

(A) Describes in general terms who is authorized to have access to the information.

(B) States whether the licensee has security practices and procedures in place to ensure the confidentiality of the information in accordance with the licensee's policy. The licensee is not required to describe technical information about the safeguards that the licensee uses.

(d) A licensee may satisfy the initial notice requirements of sections 3(a)(2) and 6(d) of this chapter for a consumer who is not a customer by providing a short form initial notice at the same time that the licensee delivers an opt out notice as required under section

6 of this chapter. A short form notice must:

(1) be clear and conspicuous;

(2) state that the licensee's privacy notice is available upon request; and

(3) explain a reasonable means by which the consumer may obtain the notice.

(e) A licensee shall deliver the licensee's short form initial notice as specified under section 8 of this chapter. The licensee is not required to deliver the licensee's privacy notice with the licensee's short form initial notice. The licensee may provide the consumer a reasonable means to obtain the licensee's privacy notice. If a consumer who receives the licensee's short form notice requests the licensee's privacy notice, the licensee shall deliver the licensee's privacy notice as specified under section 8 of this chapter.

(f) A licensee provides a reasonable means by which a consumer may obtain a copy of the licensee's privacy notice if the licensee does either of the following:

(1) Provides a toll free telephone number that the consumer may call to request the notice.

(2) For a consumer who conducts business in person at the licensee's office, maintains copies of the notice on hand that the licensee provides to the consumer immediately upon request.

(g) A licensee's notice may include the following:

(1) Categories of nonpublic personal financial information that the licensee reserves the right to disclose in the future, but does not currently disclose.

(2) Categories of affiliates or nonaffiliated third parties to whom the licensee reserves the right in the future to disclose, but to whom the licensee does not currently disclose, nonpublic financial information.

Sec. 6. (a) If a licensee is required to provide an opt out notice under section 9(a) of this chapter, the licensee shall provide a clear and conspicuous notice to each of the licensee's consumers that accurately explains the right to opt out under section 9(a) of this chapter. The notice shall state all of the following:

(1) The licensee discloses or reserves the right to disclose nonpublic personal financial information about its consumer to a nonaffiliated third party.

(2) The consumer has the right to opt out of that disclosure.

(3) A reasonable means by which the consumer may exercise the opt out right.

(b) The following are examples of compliance with subsection (a):

(1) A licensee provides adequate notice that a consumer can opt out of the disclosure of nonpublic personal financial information to a nonaffiliated third party if the licensee does all of the following:

(A) Identifies all of the categories of nonpublic personal financial information that the licensee discloses or reserves the right to disclose, and all of the categories of nonaffiliated third parties to which the licensee discloses the information, as described in section 5(a)(2) and 5(a)(3) of this chapter.

(B) States that the consumer can opt out of the disclosure of the information.

(C) Identifies the insurance products or services that the consumer obtains from the licensee, either singly or jointly, to which the opt out direction would apply.

(2) A licensee provides a reasonable means to exercise an opt out right if the licensee does any of the following:

(A) Designates check-off boxes in a prominent position on the relevant forms with the opt out notice.

(B) Includes a reply form together with the opt out notice.

(C) Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the licensee's Web site, if the consumer agrees to the electronic delivery of information.

(D) Provides a toll free telephone number that consumers may call to opt out.

(3) A licensee does not provide a reasonable means of opting out if the only means of opting out:

(A) is for the consumer to write the consumer's own letter to exercise that opt out right; or

(B) as described in any notice subsequent to the initial notice, is to use a check-off box that the licensee provided with the initial notice, but did not include with the subsequent notice.

(4) A licensee may require each consumer to opt out through a specific means as long as the means is reasonable for the consumer.

(c) A licensee may provide an opt out notice together with or on the same written or electronic form as the initial notice that the licensee provides in under section 3 of this chapter.

(d) If a licensee provides an opt out notice later than required for the initial notice under section 3 of this chapter, the licensee shall include a copy of the initial notice with the opt out notice in writing or, if the consumer agrees, electronically.

(e) The following apply to joint relationships:

(1) If two (2) or more consumers jointly obtain an insurance product or service from a licensee, the licensee may provide a single opt out notice. The licensee's opt out notice shall explain how the licensee will treat an opt out direction by a joint consumer.

(2) Any of the joint consumers may exercise the right to opt out. The licensee may either:

(A) treat an opt out direction by a joint consumer as applying to all of the associated joint consumers; or

(B) permit each joint consumer to opt out separately.

(3) If a licensee permits each joint consumer to opt out separately, the licensee shall permit one (1) of the joint consumers to opt out on behalf of all of the joint consumers.

(4) A licensee may not require all joint consumers to opt out before the licensee implements any opt out direction.

(f) A licensee shall comply with a consumer's opt out direction as soon as reasonably practicable after the direction is received by the licensee.

(g) A consumer may exercise the right to opt out at any time.

(h) A consumer's direction to opt out under this section is effective until the consumer revokes the direction in writing or, if the consumer agrees, electronically. When a consumer relationship terminates, the customer's opt out direction continues to apply to the nonpublic personal financial information that the licensee collected during or related to that relationship. If the individual subsequently establishes a new customer relationship with the licensee, the opt out direction that applied to the former relationship does not apply to the new relationship.

(i) When a licensee is required to deliver an opt out notice under this section, the licensee shall deliver the notice as specified under section 8 of this chapter.

Sec. 7. (a) Except as otherwise authorized in this chapter, a licensee shall not, directly or through an affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party other than as described in the initial notice that the licensee provided to the consumer under section 3 of this chapter unless the:

(1) licensee has provided to the consumer a clear and conspicuous revised notice that accurately describes the licensee's policies and practices;

(2) licensee has provided to the consumer a new opt out notice;

(3) licensee has given the consumer a reasonable opportunity, before the licensee discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

(4) consumer does not opt out.

(b) Except as otherwise permitted under sections 12 through 14 of this chapter, a licensee shall provide a revised notice before the licensee does any of the following:

(1) Discloses a new category of nonpublic personal financial information to any nonaffiliated third party.

(2) Discloses nonpublic personal financial information to a new category of nonaffiliated third party.

(3) Discloses nonpublic personal financial information regarding a former customer to a nonaffiliated third party, if

the former customer has not had the opportunity to exercise an opt out right regarding the disclosure.

(c) A revised notice is not required if the licensee discloses nonpublic personal financial information to a new nonaffiliated third party that the licensee adequately described in the licensee's prior notice.

(d) When a licensee is required to deliver a revised privacy notice under this section, the licensee shall deliver the notice as specified under section 8 of this chapter.

Sec. 8. (a) A licensee shall provide notices required under this chapter so that each consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically.

(b) A licensee may reasonably expect that a consumer will receive actual notice if the licensee does any of the following:

(1) Hand delivers a printed copy of the notice to the consumer.

(2) Mails a printed copy of the notice to the last known address of the consumer separately, or in a policy, billing, or other written communication.

(3) For a consumer who conducts transactions electronically, posts the notice on the electronic site and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining a particular insurance product or service.

(4) For an isolated transaction with a consumer, such as the licensee providing an insurance quote or selling the consumer travel insurance, posts the notice and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining the particular insurance product or service.

(c) A licensee may not reasonably expect that a consumer will receive actual notice of the licensee's privacy policies and practices if the licensee does either of the following:

(1) Only posts a sign in the licensee's office or generally publishes advertisements of the licensee's privacy policies and practices.

(2) Sends the notice via electronic mail to a consumer who does not obtain an insurance product or service from the licensee electronically.

(d) A licensee may reasonably expect that a customer will receive actual notice of the licensee's annual privacy notice if the customer:

(1) uses the licensee's Web site to access insurance products and services electronically and agrees to receive notices at the Web site and the licensee posts the licensee's current privacy notice continuously in a clear and conspicuous manner on the Web site; or

(2) has requested that the licensee refrain from sending any information regarding the customer relationship, and the licensee's current privacy notice remains available to the customer upon request.

(e) A licensee may not provide any notice required under this chapter solely by orally explaining the notice, either in person or over the telephone.

(f) For customers only, a licensee shall provide the initial notice required under section 3(a)(1) of this chapter, the annual notice required under section 4(a) of this chapter, and the revised notice required under section 7 of this chapter so that the customer can retain them or obtain them later in writing or, if the customer agrees, electronically. A licensee provides a privacy notice to the customer so that the customer can retain the notice or obtain the notice later if the licensee does any of the following:

(1) Hand delivers a printed copy of the notice to the customer.

(2) Mails a printed copy of the notice to the last known address of the customer.

(3) Makes the licensee's current privacy notice available on a Web site (or a link to another Web site) for the customer who obtains an insurance product or service electronically and agrees to receive the notice at the Web site.

(g) A licensee may provide a joint notice from the licensee and one (1) or more of the licensee's affiliates or other financial institutions, as identified in the notice, as long as the notice is accurate with respect to the licensee and the other institutions. A licensee also may provide a notice on behalf of another financial institution.

(h) If two (2) or more consumers jointly obtain an insurance

product or service from a licensee, the licensee may satisfy the initial, annual, and revised notice requirements of sections 3(a), 4(a), and 7(a) of this chapter, by providing one (1) notice to the consumers jointly.

Sec. 9. (a) Except as otherwise authorized in this chapter, a licensee may not, directly or through an affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party unless the:

- (1) licensee has provided to the consumer an initial notice as required under section 3 of this chapter;
- (2) licensee has provided to the consumer an opt out notice as required under section 6 of this chapter;
- (3) licensee has given the consumer a reasonable opportunity, before the licensee discloses the information to the nonaffiliated third party, to opt out of the disclosure; and
- (4) consumer does not opt out.

(b) Opt out means a direction by the consumer that the licensee not disclose nonpublic personal financial information about the consumer to a nonaffiliated third party, other than as permitted under sections 12 through 14 of this chapter.

(c) A licensee provides a consumer with a reasonable opportunity to opt out if the licensee does any of the following:

- (1) Mails the notices required under subsection (a) to the consumer and allows the consumer to opt out by mailing a form, calling a toll free telephone number or any other reasonable means within thirty (30) days from the date the licensee mailed the notices.
- (2) If a customer opens an on-line account with the licensee and agrees to receive the notices required under subsection (a) electronically, allows the customer to opt out by any reasonable means within thirty (30) days after the date that the customer acknowledges receipt of the notices in conjunction with opening the account.
- (3) For an isolated transaction, such as providing the consumer with an insurance quote, provides the consumer with a reasonable opportunity to opt out if the licensee provides the notices required under subsection (a) at the time of the transaction and requests that the consumer decide, as a necessary part of the transaction, whether to opt out before completing the transaction.

(d) A licensee shall comply with this section, regardless of whether the licensee and the consumer have established a customer relationship. Unless a licensee complies with this section, the licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer that the licensee has collected, regardless of whether the licensee collected the information before or after receiving the direction to opt out from the consumer.

(e) A licensee may allow a consumer to select certain nonpublic personal financial information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

Sec. 10. (a) If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution under an exception under section 13 or 14 of this chapter, the licensee's disclosure and use of the information is limited as follows:

- (1) The licensee may disclose the information to the affiliates of the financial institution from which the licensee received the information.
- (2) The licensee may disclose the information to the licensee's affiliates, but the licensee's affiliates may, in turn, disclose and use the information only to the extent that the licensee may disclose and use the information.
- (3) The licensee may disclose and use the information under an exception in section 13 or 14 of this chapter, in the ordinary course of business to carry out the activity covered by the exception under which the licensee received the information.

(b) If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution other than under an exception under section 13 or 14 of this chapter, the licensee may disclose the information only to:

- (1) the affiliates of the financial institution from which the

licensee received the information;

(2) the licensee's affiliates, but the licensee's affiliates may, in turn, disclose the information only to the extent that the licensee may disclose the information; and

(3) any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the licensee received the information.

(c) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under an exception under section 13 or 14 of this chapter, the third party may disclose and use the information only as follows:

(1) The third party may disclose the information to the licensee's affiliates.

(2) The third party may disclose the information to the third party's affiliates, but the third party's affiliates may, in turn, disclose and use the information only to the extent that the third party may disclose and use the information.

(3) The third party may disclose and use the information under an exception under section 13 or 14 of this chapter in the ordinary course of business to carry out the activity covered by the exception under which the third party received the information.

(d) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party other than under an exception under section 13 or 14 of this chapter, the third party may disclose the information only to:

(1) the licensee's affiliates;

(2) the third party's affiliates, but the third party's affiliates, in turn, may disclose the information only to the extent the third party can disclose the information; and

(3) any other person, if the disclosure would be lawful if the licensee made the disclosure directly to the person.

Sec. 11. (a) A licensee shall not, directly or through an affiliate, disclose, other than to a consumer reporting agency, a policy number or similar form of access number or access code for a consumer's policy or transaction account to any nonaffiliated third party for use in telemarketing, direct mail marketing, or other marketing through electronic mail to the consumer.

(b) Subsection (a) does not apply if a licensee discloses a policy number or similar form of access number or access code to any of the following:

(1) The licensee's service provider solely in order to perform marketing for the licensee's own products or services, as long as the service provider is not authorized to directly initiate charges to the account.

(2) A licensee who is a producer solely in order to perform marketing for the licensee's own products or services.

(3) A participant in an affinity or similar program where the participants in the program are identified to the customer when the customer enters into the program.

(c) A policy number, or similar form of access number or access code, does not include a number or code in an encrypted form, as long as the licensee does not provide the recipient with a means to decode the number or code.

(d) For purposes of this section, a policy or transaction account is an account other than a deposit account or a credit card account. A policy or transaction account does not include an account to which third parties cannot initiate charges.

Sec. 12. (a) The opt out requirements under sections 6 and 9 of this chapter do not apply when a licensee provides nonpublic personal financial information to a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf, if the licensee:

(1) provides the initial notice as provided under section 3 of this chapter; and

(2) enters into a contractual agreement with the third party that prohibits the third party from disclosing or using the information other than to carry out the purposes for which the licensee disclosed the information, including use under an exception under section 13 or 14 of this chapter in the ordinary course of business to carry out those purposes.

(b) The services a nonaffiliated third party performs for a licensee under subsection (a) may include marketing of the licensee's own products or services or marketing of financial products or services offered under joint agreements between the licensee and one (1) or more financial institutions.

(c) For purposes of this section, "joint agreement" means a written contract under which a licensee and one (1) or more financial institutions jointly offer, endorse, or sponsor a financial product or service.

Sec. 13. (a) The requirements for initial notice under section 3(a)(2) of this chapter, the opt out under sections 6 and 9 of this chapter, and service providers and joint marketing under section 12 of this chapter do not apply if a licensee discloses nonpublic personal financial information as necessary to effect, administer, or enforce a transaction that a consumer requests or authorizes, or in connection with any of the following:

- (1) Servicing or processing an insurance product or service that the consumer requests or authorizes.
- (2) Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity.
- (3) A proposed or actual securitization, secondary market sale, including sales of servicing rights, or similar transaction related to a transaction of the consumer.
- (4) Reinsurance or stop loss or excess loss insurance.

(b) As used in this section, "necessary to effect, administer, or enforce a transaction" means that the disclosure is required, or is:

- (1) one (1) of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out the financial transaction or providing the product or service; or
- (2) a usual, appropriate, or acceptable method to:
 - (A) carry out the transaction or the product or service business of which the transaction is a part, and record, service, or maintain the consumer's account in the ordinary course of providing the insurance product or service;
 - (B) administer or service benefits or claims relating to the transaction or the product or service business of which the transaction is a part;
 - (C) provide a confirmation, statement, or other record of the transaction, or information on the status or value of the insurance product or service to the consumer or the consumer's agent or broker;
 - (D) accrue or recognize incentives or bonuses associated with the transaction that are provided by a licensee or any other party; and
 - (E) underwrite insurance at the consumer's request or for any of the following purposes as they relate to a consumer's insurance:
 - (i) Account administration.
 - (ii) Reporting.
 - (iii) Investigating or preventing fraud or material misrepresentation.
 - (iv) Processing premium payments.
 - (v) Processing insurance claims.
 - (vi) Administering insurance benefits, including utilization review activities.
 - (vii) Participating in research projects.
 - (viii) As otherwise required or specifically permitted by federal or state law.
 - (ix) In connection with the authorization, settlement, billing, processing, clearing, transferring, reconciling, or collection of amounts charged, debited, or otherwise paid using a debit, credit, or other payment card, check, or account number, or by other payment means.
 - (x) In connection with the transfer of receivables, accounts, or interests in the receivables or accounts.
 - (xi) In connection with the audit of debit, credit, or other payment information.

Sec. 14. (a) The requirements for initial notice to consumers

under section 3(a)(2) of this chapter, the opt out under sections 6 and 9 of this chapter, and service providers and joint marketing under section 12 of this chapter do not apply when a licensee discloses nonpublic personal financial information as follows:

- (1) With the consent or at the direction of the consumer, provided that the consumer has not revoked the consent or direction;
- (2) In any of the following situations:
 - (A) To protect the confidentiality or security of a licensee's records pertaining to the consumer, service, product, or transaction.
 - (B) To protect against or prevent actual or potential fraud or unauthorized transactions.
 - (C) For required institutional risk control or for resolving consumer disputes or inquiries.
 - (D) To persons holding a legal or beneficial interest relating to the consumer.
 - (E) To persons acting in a fiduciary or representative capacity on behalf of the consumer.
- (3) To provide information to:
 - (A) insurance rate advisory organizations;
 - (B) guaranty funds or agencies;
 - (C) agencies that are rating a licensee;
 - (D) persons who are assessing the licensee's compliance with industry standards; and
 - (E) the licensee's attorneys, accountants, and auditors.
- (4) To the extent specifically permitted or required under other provisions of law and in accordance with the federal Right to Privacy Act of 1978 (12 U.S.C. 3401 et seq.), to law enforcement agencies, including the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Office of Thrift Supervision, National Credit Union Administration, the Securities and Exchange Commission, the Secretary of the Treasury, with respect to 31 U.S.C. Chapter 53, Subchapter II (Records and Reports on Monetary Instruments and Transactions) and 12 U.S.C. Chapter 21 (Financial Recordkeeping), a state insurance authority, and the Federal Trade Commission, self-regulatory organization or for an investigation on a matter related to public safety.
- (5) To a consumer reporting agency in accordance with the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or from a consumer report reported by a consumer reporting agency.
- (6) In connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal financial information concerns solely consumers of the business or unit.
- (7) To comply with or respond to any of the following:
 - (A) Federal, state, or local laws, rules, and other applicable legal requirements.
 - (B) Properly authorized civil, criminal, or regulatory investigation, or subpoena, or summons by federal, state, or local authorities.
 - (C) Judicial process or governmental regulatory authorities having jurisdiction over a licensee for examination, compliance, or other purposes as authorized by law.
- (8) For purposes related to the replacement of a group benefit plan, a group health plan, a group welfare plan, or a workers' compensation plan.

(b) A consumer may revoke consent by subsequently exercising the right to opt out of future disclosures of nonpublic personal information as permitted under section 6(g) of this chapter.

Sec. 15. This chapter shall not be construed to modify, limit, or supersede the operation of the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., and no inference shall be drawn on the basis of the provisions of this chapter regarding whether information is transaction or experience information under Section 603 of the Fair Credit Reporting Act.

Sec. 16. A licensee shall not unfairly discriminate against any consumer or customer because that consumer or customer has opted

out from the disclosure of the consumer's or customer's nonpublic personal financial information.

Sec. 17. A violation of this chapter is an unfair method of competition and an unfair and deceptive act and practice in the business of insurance subject to IC 27-4-1."

Page 77, between lines 9 and 10, begin a new paragraph and insert:

SECTION 47. [EFFECTIVE UPON PASSAGE]: (a) A licensee shall, not later than July 1, 2001, provide an initial notice, as required under IC 27-2-20-3, as added by this act, of this chapter, to consumers who are the licensee's customers on July 1, 2001.

(b) Until July 1, 2002, a contract entered into before July 1, 2000, by a licensee with a nonaffiliated third party to perform services for the licensee or functions on behalf of the licensee is considered to be in compliance with the requirements of IC 27-2-20-12(a), as added by this act, regardless of whether the contract includes a requirement that the third party maintain the confidentiality of nonpublic personal information.

(c) This SECTION expires July 1, 2005."

Renumber all SECTIONS consecutively.

(Reference is to ESB 386 as printed April 9, 2001.)

CROOKS

Motion prevailed.

HOUSE MOTION (Amendment 386-2)

Mr. Speaker: I move that Engrossed Senate Bill 386 be amended to read as follows:

Page 40, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 12. IC 27-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of his insurance business, which is untrue, deceptive, or misleading.

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable

restraint of, or a monopoly in, the business of insurance.

(5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is required by law to report, or which has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract; however, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever; however, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or

policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

- (A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.
- (B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.
- (C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.
- (D) Paying by an insurer or agent thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed agent thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, agent, or solicitor duly licensed under the laws of this state, but such broker, agent, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.
- (9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance agent or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of its or his right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.
- (10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.
- (11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of agents or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.
- (12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales

contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, agent, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon, of his, her, or its right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

- (A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.
- (B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.
- (C) Title insurance.
- (D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.
- (E) Insurance provided by or through motorists service clubs or associations.
- (F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:
 - (i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;
 - (ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;
 - (iii) insures against baggage loss during the flight to which the ticket relates; or
 - (iv) insures against a flight cancellation to which the ticket relates.
- (14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.
- (15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.
- (16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).
- (17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.
- (18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).
- (19) Violating IC 27-1-22-25 or IC 27-1-22-26 concerning motor vehicle insurance rates.
- (20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.
- (21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.
- (22) Violating IC 27-1-15.5-3(h).
- (23) Violating IC 27-8-26 concerning genetic screening or testing.
- (24) Violating IC 27-7-3-21 concerning title insurance**

premiums in multistate transactions."

Page 41, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 14. IC 27-7-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. The provisions of this chapter, ~~shall except section 21 of this chapter~~, do not apply to any insurance company organized or desiring to organize under and pursuant to IC 27-1 nor to any person, firm, partnership, corporation, limited liability company, association, or company whose business is the making of abstracts of title to real estate and attaching their certificate thereto and not engaging in the business of making title insurance, nor to any person, firm, partnership, corporation, limited liability company, or association acting as an authorized agent for a duly qualified title insurance company.

SECTION 15. IC 27-7-3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. (a) This section applies to the issuance of title insurance in Indiana in a real estate transaction in which title insurance is being issued in at least one (1) other state in which title insurance premiums are computed based on rates filed with a governmental entity.

(b) The title insurance premium rate charged by the title insurance company providing title insurance in Indiana may not be less than the average of the title insurance rates charged for title insurance in the other participating states that have filed rates."

Renumber all SECTIONS consecutively.

(Reference is to ESB 386 as printed April 9, 2001.)

DVORAK

Motion prevailed.

HOUSE MOTION
(Amendment 386-5)

Mr. Speaker: I move that Engrossed Senate Bill 386 be amended to read as follows:

Page 32, between lines 6 and 7, begin a new paragraph and insert: "SECTION 9. IC 27-1-15.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]:

Chapter 15.6. Insurance Producers

Sec. 1. This chapter governs the qualifications and procedures for the licensing of insurance producers. This chapter does not apply to surplus lines producers licensed under IC 27-1-15.8 except as specifically provided in this chapter or in IC 27-1-15.8.

Sec. 2. The following definitions apply throughout this chapter, IC 27-1-15.7, and IC 27-1-15.8:

- (1) "Bureau" refers to the child support bureau of the division of family and children established under IC 12-17-2-5.
- (2) "Business entity" means a corporation, an association, a partnership, a limited liability company, a limited liability partnership, or another legal entity.
- (3) "Commissioner" means the insurance commissioner appointed under IC 27-1-1-2.
- (4) "Consultant" means a person who:
 - (A) holds himself or herself out to the public as being engaged in the business of offering; or
 - (B) for a fee, offers; any advice, counsel, opinion, or service with respect to the benefits, advantages, or disadvantages promised under any policy of insurance that could be issued in Indiana.
- (5) "Delinquent" means the condition of being at least:
 - (A) two thousand dollars (\$2,000); or
 - (B) three (3) months; past due in the payment of court ordered child support.
- (6) "Home state" means the District of Columbia or any state or territory of the United States in which an insurance producer:
 - (A) maintains the insurance producer's principal place of residence or principal place of business; and
 - (B) is licensed to act as an insurance producer.
- (7) "Insurance producer" means a person required to be licensed under the laws of Indiana to sell, solicit, or negotiate

insurance.

(8) "License" means a document issued by the commissioner authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent, or inherent, in the holder to represent or commit an insurance carrier.

(9) "Limited line credit insurance" includes the following:

- (A) Credit life insurance.
- (B) Credit disability insurance.
- (C) Credit property insurance.
- (D) Credit unemployment insurance.
- (E) Involuntary unemployment insurance.
- (F) Mortgage life insurance.
- (G) Mortgage guaranty insurance.
- (H) Mortgage disability insurance.
- (I) Guaranteed automobile protection (gap) insurance.
- (J) Any other form of insurance:
 - (i) that is offered in connection with an extension of credit and is limited to partially or wholly extinguishing that credit obligation; and
 - (ii) that the insurance commissioner determines should be designated a form of limited line credit insurance.

(10) "Limited line credit insurance producer" means a person who sells, solicits, or negotiates one (1) or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

(11) "Limited lines insurance" means any of the following:

- (A) The lines of insurance defined in section 18 of this chapter.
- (B) Any line of insurance the recognition of which is considered necessary by the commissioner for the purpose of complying with section 8(e) of this chapter.
- (C) For purposes of section 8(e) of this chapter, any form of insurance with respect to which authority is granted by a home state that restricts the authority granted by a limited lines producer's license to less than total authority in the associated major lines described in section 7(a)(1) through 7(a)(6) of this chapter.

(12) "Limited lines producer" means a person authorized by the commissioner to sell, solicit, or negotiate limited lines insurance.

(13) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

(14) "Person" means an individual or business entity.

(15) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of a company.

(16) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

(17) "Surplus lines producer" means a person who sells, solicits, negotiates, or procures from an insurance company not licensed to transact business in Indiana an insurance policy that cannot be procured from insurers licensed to do business in Indiana.

(18) "Terminate" means:

- (A) the cancellation of the relationship between an insurance producer and the insurer; or
- (B) the termination of a producer's authority to transact insurance.

(19) "Uniform business entity application" means the current version of the national association of insurance commissioners uniform business entity application for resident and nonresident business entities.

(20) "Uniform application" means the current version of the national association of insurance commissioners uniform application for resident and nonresident producer licensing.

Sec. 3. (a) A person shall not sell, solicit, or negotiate insurance

in Indiana for any class or classes of insurance unless the person is licensed for that line of authority under this chapter.

(b) An insurer shall require a person who sells, solicits, or negotiates insurance in Indiana by any means of communication on behalf of the insurer to be licensed under this chapter.

(c) A violation of subsection (b) is deemed an unfair method of competition and an unfair and deceptive act and practice in the business of insurance under IC 27-4-1-4.

Sec. 4. (a) As used in this section, "insurer" does not include an officer, director, employee, subsidiary, or affiliate of an insurer.

(b) This chapter does not require an insurer to obtain an insurance producer license.

(c) The following are not required to be licensed as an insurance producer:

(1) An officer, director, or employee of an insurer or of an insurance producer, if the officer, director, or employee does not receive any commission on policies written or sold to insure risks that reside, are located, or are to be performed in Indiana, and if:

(A) the officer, director, or employee's activities are executive, administrative, managerial, clerical, or a combination of these, and are only indirectly related to the sale, solicitation, or negotiation of insurance;

(B) the officer, director, or employee's function relates to underwriting, loss control, inspection, or the processing, adjusting, investigating, or settling of a claim on a contract of insurance; or

(C) the officer, director, or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers and the officer, director, or employee's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation, or negotiation of insurance.

(2) A person who secures and furnishes information for the purpose of:

(A) group life insurance, group property and casualty insurance, group annuities, group or blanket accident and sickness insurance;

(B) enrolling individuals under plans;

(C) issuing certificates under plans or otherwise assisting in administering plans; or

(D) performing administrative services related to mass marketed property and casualty insurance; where no commission is paid to the person for the service.

(3) A person identified in clauses (A) through (C) who is not in any manner compensated, directly or indirectly, by a company issuing a contract, to the extent that the person is engaged in the administration or operation of a program of employee benefits for the employer's or association's employees, or for the employees of a subsidiary or affiliate of the employer or association, that involves the use of insurance issued by an insurer:

(A) An employer or association.

(B) An officer, director, or employee of an employer or association.

(C) The trustees of an employee trust plan.

(4) An:

(A) employee of an insurer; or

(B) organization employed by insurers;

that is engaged in the inspection, rating, or classification of risks, or in the supervision of the training of insurance producers, and that is not individually engaged in the sale, solicitation, or negotiation of insurance.

(5) A person whose activities in Indiana are limited to advertising, without the intent to solicit insurance in Indiana, through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of Indiana, provided that the person does not sell, solicit, or negotiate insurance that would insure risks residing, located, or to be performed in Indiana.

(6) A person who is not a resident of Indiana and who sells,

solicits, or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than one state insured under that contract, provided that:

(A) the person is otherwise licensed as an insurance producer to sell, solicit, or negotiate the insurance in the state where the insured maintains its principal place of business; and

(B) the contract of insurance insures risks located in that state.

(7) A salaried full-time employee who counsels or advises the employee's employer about the insurance interests of the employer or of the subsidiaries or business affiliates of the employer, provided that the employee does not sell or solicit insurance or receive a commission.

(8) A representative of a county farmers mutual insurance company.

(9) An officer, employee, or representative of a rental company (as defined in IC 24-4-9-7) who negotiates or solicits insurance incidental to and in connection with the rental of a motor vehicle.

Sec. 5. (a) A resident individual applying for:

(1) an insurance producer license;

(2) a consultant's license; or

(3) a surplus lines producer license;

must pass a written examination unless the individual is exempt under section 9 of this chapter.

(b) The examination required under subsection (a) must test the knowledge of the individual concerning the:

(1) lines of authority for which application is made;

(2) duties and responsibilities of a licensee; and

(3) insurance laws and administrative rules of Indiana.

(c) Examinations required under this section must be developed and conducted under rules as may be prescribed by the commissioner.

(d) The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations, collecting the nonrefundable examination fee as established by contract with an outside testing service, or collecting the nonrefundable licensure fee set forth in section 32 of this chapter.

(e) An individual who fails to appear for the examination required under subsection (a) as scheduled or who fails to pass the examination must reapply for an examination and remit all required fees and forms before being rescheduled for another examination.

Sec. 6. (a) A person applying for a resident insurance producer license shall make application to the commissioner on the uniform application and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief.

(b) Before approving an application submitted under subsection (a), the commissioner must find that the individual meets the following requirements:

(1) Is at least eighteen (18) years of age.

(2) Has not committed any act that is a ground for denial, suspension, or revocation under section 12 of this chapter.

(3) Has completed, if required by the commissioner, a certified precursing course of study for the lines of authority for which the individual has applied.

(4) Has paid the nonrefundable fee set forth in section 32 of this chapter.

(5) Has successfully passed the examinations for the lines of authority for which the person has applied.

(c) An applicant for a resident insurance producer license must file with the commissioner on a form prescribed by the commissioner a certification of completion certifying that the applicant has completed an insurance producer program of study certified by the commissioner under IC 27-1-15.7-5 not more than six (6) months before the application for the license is received by the commissioner. This subsection applies only to licensees seeking qualification in the lines of insurance described in sections 7(a)(1)

through 7(a)(6) of this chapter.

(d) A business entity, before acting as an insurance producer, is required to obtain an insurance producer license. The application submitted by a business entity under this subsection must be made using the uniform business entity application. Before approving the application, the commissioner must find that the business entity has:

- (1) paid the fees required under section 32 of this chapter; and
- (2) designated an individual licensed producer responsible for the business entity's compliance with the insurance laws and administrative rules of Indiana.

(e) The commissioner may require any documents reasonably necessary to verify the information contained in an application submitted under this subsection.

(f) An insurer that sells, solicits, or negotiates any form of limited line credit insurance shall provide a program of instruction approved by the commissioner to each individual whose duties will include selling, soliciting, or negotiating limited line credit insurance.

Sec. 7. (a) Unless denied licensure under section 12 of this chapter, a person who has met the requirements of sections 5 and 6 of this chapter shall be issued an insurance producer license. An insurance producer may receive qualification for a license in one or more of the following lines of authority:

- (1) Life — insurance coverage on human lives, including benefits of endowment and annuities, that may include benefits in the event of death or dismemberment by accident and benefits for disability income.
- (2) Accident and health or sickness — insurance coverage for sickness, bodily injury, or accidental death that may include benefits for disability income.
- (3) Property — insurance coverage for the direct or consequential loss of or damage to property of every kind.
- (4) Casualty — insurance coverage against legal liability, including liability for death, injury, or disability, or for damage to real or personal property.
- (5) Variable life and variable annuity products — insurance coverage provided under variable life insurance contracts and variable annuities.
- (6) Personal lines — property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.
- (7) Credit — limited line credit insurance.
- (8) Any other line of insurance permitted under Indiana laws or administrative rules.

(b) A person who requests and receives qualification under subsection (a)(5) for variable life and annuity products:

- (1) is considered to have requested; and
- (2) shall receive;

a life qualification under subsection (a)(1).

(c) A resident insurance producer may not request separate qualifications for property insurance and casualty insurance under subsection (a).

(d) An insurance producer license remains in effect unless revoked or suspended, as long as the renewal fee set forth in section 32 of this chapter is paid and the educational requirements for resident individual producers are met by the due date.

(e) An individual insurance producer who:

- (1) allows the individual insurance producer's license to lapse; and
- (2) completed all required continuing education before the license expired;

may, not more than twelve (12) months after the expiration date of the license, reinstate the same license without the necessity of passing a written examination. A penalty in the amount of three (3) times the unpaid renewal fee shall be required for any renewal fee received after the expiration date of the license. However, the department of insurance may waive the penalty if the renewal fee is received not more than thirty (30) days after the expiration date of the license.

(f) A licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance may request a waiver of the license renewal procedures. The producer may also request a waiver of any

examination requirement or any other fine or sanction imposed for failure to comply with the license renewal procedures.

(g) An insurance producer license shall contain the licensee's name, address, personal identification number, date of issuance, lines of authority, expiration date, and any other information the commissioner considers necessary.

(h) A licensee shall inform the commissioner of a change of address not more than thirty (30) days after the change by any means acceptable to the commissioner. The failure of a licensee to timely inform the commissioner of a change in legal name or address shall result in a penalty under section 12 of this chapter.

(i) To assist in the performance of the commissioner's duties, the commissioner may contract with non-governmental entities, including the National Association of Insurance Commissioners (NAIC), or any affiliates or subsidiaries that the NAIC oversees, to perform ministerial functions, including the collection of fees related to producer licensing, that the commissioner and the non-governmental entity consider appropriate.

(j) The commissioner may participate, in whole or in part, with the NAIC or any affiliate or subsidiary of the NAIC in a centralized insurance producer license registry through which insurance producer licenses are centrally or simultaneously effected for states that require an insurance producer license and participate in the centralized insurance producer license registry. If the commissioner determines that participation in the centralized insurance producer license registry is in the public interest, the commissioner may adopt rules under IC 4-22-2 specifying uniform standards and procedures that are necessary for participation in the registry, including standards and procedures for centralized license fee collection.

Sec. 8. (a) Unless denied licensure under section 12 of this chapter, a nonresident person shall receive a nonresident producer license if:

- (1) the person is currently licensed as a resident and in good standing in the person's home state;
- (2) the person has submitted the proper request for licensure and has paid the fees required under section 32 of this chapter;
- (3) the person has submitted or transmitted to the commissioner:

- (A) the application for licensure that the person submitted to the person's home state; or
- (B) a completed uniform application; and

(4) the person's home state awards non-resident producer licenses to residents of Indiana on the same basis as non-resident producer licenses are awarded to residents of other states under this chapter.

(b) The commissioner may verify a producer's licensing status through the Producer Database maintained by the National Association of Insurance Commissioners and its affiliates or subsidiaries.

(c) A:

- (1) person who holds an Indiana nonresident producer's license and moves from one state to another state; or
- (2) a resident producer who moves from Indiana to another state;

shall file a change of address with the Indiana department of insurance and provide certification from the new resident state not more than thirty (30) days after the change of legal residence. No fee or license application is required under this subsection.

(d) Notwithstanding any other provision of this chapter, a person licensed as a surplus lines producer in the person's home state shall receive a nonresident surplus lines producer license under subsection (a). Except as provided in subsection (a), nothing in this section otherwise amends or supercedes IC 27-1-15.8, as added by this act.

(e) Notwithstanding any other provision of this chapter, a person who is not a resident of Indiana and who is licensed as a limited lines credit insurance producer or another type of limited lines producer in the person's home state shall, upon application, receive a nonresident limited lines producer license under subsection (a) granting the same scope of authority as is granted under the license

issued by the person's home state.

Sec. 9. (a) An individual who applies for an insurance producer license in Indiana and who was previously licensed for the same lines of authority in another state is not required to complete any prelicensing education or examination. However, the exemption provided by this subsection is available only if:

- (1) the individual is currently licensed in the other state; or
- (2) the application is received within ninety (90) days after the cancellation of the applicant's previous license and:

(A) the other state issues a certification that, at the time of cancellation, the applicant was in good standing in that state; or

(B) the state's Producer Database records that are maintained by the National Association of Insurance Commissioners, its affiliates, or its subsidiaries, indicate that the producer is or was licensed in good standing for the line of authority requested.

(b) If a person is licensed as an insurance producer in another state and moves to Indiana, the person, to be authorized to act as an insurance producer in Indiana, must make application to become a resident licensee under section 6 of this chapter within ninety (90) days after establishing legal residence in Indiana. However, the person is not required to take prelicensing education or examination to obtain a license for any line of authority for which the person held a license in the other state unless the commissioner determines otherwise by rule.

(c) An individual who:

- (1) has attained the designation of chartered life underwriter, certified financial planner, or chartered financial consultant; and
- (2) applies for an insurance producer license in Indiana requesting qualification under sections:

- (A) 7(a)(1);
- (B) 7(a)(2); or
- (C) 7(a)(5);

of this chapter;

is not required to complete prelicensing education, and is required to take only the portion of the examination required under section 5(b) of this chapter that pertains to Indiana laws and rules.

(d) An individual who has:

- (1) attained the designation of chartered property and casualty underwriter, certified insurance counselor, or accredited advisor in insurance; and
- (2) applies for an insurance producer license in Indiana requesting qualification under sections:

- (A) 7(a)(3);
- (B) 7(a)(4); or
- (C) 7(a)(6);

of this chapter;

is not required to complete prelicensing education, and is required to take only the portion of the examination required under section 5(b) of this chapter that pertains to Indiana laws and rules.

Sec. 10. Before an insurance producer may do business in Indiana under any name other than the producer's legal name, the insurance producer shall notify the commissioner of the proposed use of the assumed name.

Sec. 11. (a) If the commissioner considers the issuance of a temporary license necessary for the servicing of an insurance business, the commissioner, without requiring an examination, may issue a temporary insurance producer license for a period of not more than one hundred eighty (180) days to any of the following:

- (1) To the surviving spouse or court-appointed personal representative of a licensed individual insurance producer who dies or becomes mentally or physically disabled:

(A) to allow adequate time for the sale of the insurance business owned by the producer;

(B) to provide for the servicing of the insurance business until the recovery or return of the producer to the business; or

(C) to provide for the training and licensing of new personnel to operate the producer's business.

(2) To a member or employee of a business entity licensed as an insurance producer, upon the death or disability of an individual designated in the business entity application or the license.

(3) To the designee of a licensed individual insurance producer entering active service in the armed forces of the United States of America.

(4) To an individual in any other circumstance where the commissioner considers the public interest to be best served by the issuance to the individual of a temporary insurance producer license.

(b) The commissioner may by order limit the authority of a temporary licensee in any way considered necessary to protect insureds and the public. The commissioner may require the temporary licensee to have a suitable sponsor who is a licensed producer or insurer and who assumes responsibility for all acts of the temporary licensee and may impose other, similar requirements designed to protect insureds and the public.

(c) The commissioner may by order revoke a temporary insurance producer license if the interest of insureds or the public are endangered. A temporary insurance producer license issued under subsection (a)(1)(A) expires at the time the owner or the personal representative disposes of the business.

Sec. 12. (a) For purposes of this section, "permanently revoke" means that:

- (1) the producer's license shall never be reinstated; and
- (2) the former licensee, after the license revocation, is not eligible to submit an application for a license to the department.

(b) The commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke an insurance producer's license for a period of years, permanently revoke an insurance producer's license, or refuse to issue or renew an insurance producer license, or take any combination of these actions, for any of the following causes:

- (1) Providing incorrect, misleading, incomplete, or materially untrue information in a license application.
- (2) Violating:
 - (A) an insurance law;
 - (B) a regulation;
 - (C) a subpoena of an insurance commissioner; or
 - (D) an order of an insurance commissioner;

of Indiana or of another state.

(3) Obtaining or attempting to obtain a license through misrepresentation or fraud.

(4) Improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

(5) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

(6) Having been convicted of a felony.

(7) Admitting to having committed or being found to have committed any unfair trade practice or fraud in the business of insurance.

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

(9) Having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.

(10) Forging another's name to an application for insurance or to any document related to an insurance transaction.

(11) Improperly using notes or any other reference material to complete an examination for an insurance license.

(12) Knowingly accepting insurance business from an individual who is not licensed.

(13) Failing to comply with an administrative or court order imposing a child support obligation.

(14) Failing to pay state income tax or to comply with any administrative or court order directing payment of state income tax.

(15) Failing to satisfy the continuing education requirements established by IC 27-1-15.7.

(16) Violating section 31 of this chapter.

(17) Failing to timely inform the commissioner of a change in legal name or address, in violation of section 7(h) of this chapter.

(c) The commissioner shall refuse to:

- (1) issue a license; or
- (2) renew a license issued;

under this chapter to any person who is the subject of an order issued by a court under IC 31-14-12-7 or IC 31-16-12-10 (or IC 31-1-11.5-13(m) or IC 31-6-6.1-16(m) before their repeal).

(d) If the commissioner refuses to renew a license or denies an application for a license, the commissioner shall notify the applicant or licensee and advise the applicant or licensee, in a writing sent through regular first class mail, of the reason for the denial of the applicant's application or the nonrenewal of the licensee's license. The applicant or licensee may, not more than sixty-three (63) days after notice of denial of the applicant's application or nonrenewal of the licensee's license is mailed, make written demand to the commissioner for a hearing before the commissioner to determine the reasonableness of the commissioner's action. The hearing shall be held not more than thirty (30) days after the applicant or licensee makes the written demand, and shall be conducted under IC 4-21.5.

(e) The license of a business entity may be suspended, revoked, or refused if the commissioner finds, after hearing, that a violation of an individual licensee acting on behalf of the partnership or corporation was known or should have been known by one or more of the partners, officers, or managers of the partnership or corporation and:

- (1) the violation was not reported to the commissioner; and
- (2) no corrective action was taken.

(f) In addition to or in lieu of any applicable denial, suspension, or revocation of a license under subsection (b), a person may, after a hearing, be subject to the imposition by the commissioner under subsection (b) of a civil penalty of not less than fifty dollars (\$50) and not more than ten thousand dollars (\$10,000). A penalty imposed under this subsection may be enforced in the same manner as a civil judgement.

(g) A licensed insurance producer or limited lines producer shall, not more than ten (10) days after the producer receives a request in a registered or certified letter from the commissioner, furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding the request.

(h) If a licensee fails to provide the report requested under subsection (g) not more than ten (10) days after the licensee receives the request, the commissioner may, in the commissioner's sole discretion, without a hearing, and in addition to any other sanctions allowed by law, suspend any insurance license held by the licensee pending receipt of the appointment report.

(i) The commissioner shall promptly notify all appointing insurers and the licensee regarding any suspension, revocation, or termination of a license by the commissioner under this section.

(j) The commissioner may not grant, renew, continue, or permit to continue any license if the commissioner finds that the license is being used or will be used by the applicant or licensee for the purpose of writing controlled business. As used in this subsection, "controlled business" means:

- (1) insurance written on the interests of:
 - (A) the applicant or licensee;
 - (B) the applicant's or licensee's immediate family; or
 - (C) the applicant's or licensee's employer; or
- (2) insurance covering:
 - (A) the applicant or licensee;
 - (B) members of the applicant's or licensee's immediate family; or
 - (C) either:
 - (i) a corporation, limited liability company, association, or partnership; or
 - (ii) the officers, directors, substantial stockholders,

partners, members, managers, employees of such a corporation, limited liability company, association, or partnership;

of which the applicant or licensee or a member of the applicant's or licensee's immediate family is an officer, director, substantial stockholder, partner, member, manager, associate, or employee.

However, this section does not apply to insurance written or interests insured in connection with or arising out of credit transactions. A license is considered to have been used or intended to be used for the purpose of writing controlled business if the commissioner finds that during any twelve (12) month period the aggregate commissions earned from the controlled business exceeded twenty-five percent (25%) of the aggregate commission earned on all business written by the applicant or licensee during the same period.

(k) The commissioner has the authority to:

- (1) enforce the provisions of; and
- (2) impose any penalty or remedy authorized by;

this chapter or any other provision of this title against any person who is under investigation for or charged with a violation of this chapter or any other provision of this title, even if the person's license or registration has been surrendered or has lapsed by operation of law.

(l) For purposes of this section, the violation of any provision of IC 28 concerning the sale of a life insurance policy or an annuity contract shall be considered a violation described in subsection (b)(2).

(m) The commissioner may order a licensee to make restitution if the commissioner finds that the licensee has committed a violation described in:

- (1) subsection (b)(4);
- (2) subsection (b)(7);
- (3) subsection (b)(8); or
- (4) subsection (b)(16).

(n) The commissioner shall notify the securities commissioner appointed under IC 23-2-1-15 when an administrative action or civil proceeding is filed under this section and when an order is issued under this section denying, suspending, or revoking a license.

Sec. 13. (a) An insurance company or insurance producer shall not pay a commission, service fee, brokerage fee, or other valuable consideration to a person for selling, soliciting, or negotiating insurance in Indiana if the person is required to be licensed under this chapter and is not licensed.

(b) A person shall not accept a commission, service fee, brokerage fee, or other valuable consideration for selling, soliciting, or negotiating insurance in Indiana if the person is required to be licensed under this chapter and is not licensed.

(c) Renewal commissions or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in Indiana if the person was required to be licensed under this chapter and was licensed at the time of the sale, solicitation, or negotiation.

(d) An insurer or insurance producer may pay or assign commissions, service fees, brokerage fees, or other valuable consideration to an insurance agency or to a person who does not sell, solicit, or negotiate insurance in Indiana, unless the payment would violate IC 27-1-20-30.

Sec. 14. An insurance producer shall not act as an agent of an insurer unless the insurance producer becomes an appointed producer of the insurer. An insurance producer who is not acting as an agent of an insurer is not required to become appointed.

Sec. 15. (a) An insurer or authorized representative of an insurer that terminates the appointment, employment, contract, or other insurance business relationship with a producer shall notify the commissioner not more than thirty (30) days after the effective date of the termination using a format prescribed by the commissioner, if:

- (1) the reason for termination is described in section 12 of this chapter; or
- (2) the insurer has knowledge that the producer was found by a court, a government body, or a self-regulatory organization authorized by law to have engaged in any of the activities

described in section 12 of this chapter.

Upon the written request of the insurance commissioner, the insurer shall provide additional information, documents, records, and other data pertaining to the termination or activity of the producer.

(b) If an insurer discovers, upon further review or investigation, additional information that would have been reportable to the commissioner under subsection (a) had the insurer known of the existence of the additional information, the insurer or an authorized representative of the insurer shall promptly notify the commissioner of the additional information in a format acceptable to the commissioner.

(c) A copy of the notification of termination of a producer that must be provided to the commissioner under this section shall also be provided to the producer as follows:

(1) Not more than fifteen (15) days after making the notification required under subsection (a) or (b), the insurer shall mail a copy of the notification to the producer at the producer's last known address. If the producer is terminated for cause for any of the reasons described in section 12 of this chapter, the insurer shall provide a copy of the notification to the producer at the producer's last known address by certified mail, return receipt requested, postage prepaid, or by overnight delivery using a nationally recognized carrier.

(2) Not more than thirty (30) days after the producer has received the original or additional notification, the producer may file written comments concerning the substance of the notification with the commissioner. The producer shall, by the same means used by the producer to file the written comments with the commissioner, simultaneously send a copy of the comments to the reporting insurer, and the comments shall become a part of the commissioner's file and accompany every copy of a report distributed or disclosed for any reason about the producer as permitted under subsection (e).

(d) Immunities under this section are as follows:

(1) In the absence of actual malice, an insurer, an authorized representative of an insurer, a producer, the commissioner, and an organization of which the commissioner is a member and that compiles information and makes it available to other insurance commissioners or regulatory or law enforcement agencies are immune from civil liability, and a civil cause of action of any nature shall not arise against these entities or their respective agents or employees, as a result of:

(A) a statement or information required by or provided under this section or any information relating to a statement that may be requested in writing by the commissioner from an insurer or producer; or

(B) a statement by a terminating insurer to a producer or by a producer to a terminating insurer;

limited solely and exclusively to whether a termination for cause referred to in subsection (a) was reported to the commissioner, provided that the propriety of any termination for cause referred to in subsection (a) is certified in writing by an officer or authorized representative of the insurer or producer terminating the relationship.

(2) In any action brought against a person that may have immunity under subdivision (1) for:

(A) making a statement required under this section; or

(B) providing information relating to a statement that may be requested by the commissioner;

the party bringing the action must plead specifically in any allegation that subdivision (1) does not apply because the person making the statement or providing the information did so with actual malice.

(3) Existing statutory or common law privileges or immunities are not abrogated or modified by subdivision (1) or (2).

(e) Confidentiality under this section is as follows:

(1) Documents, materials, and other forms of information in the control or possession of the department that are:

(A) furnished by:

(i) an insurer or producer; or

(ii) an employee or agent of an insurer acting on behalf of

the insurer or producer; or

(B) obtained by the commissioner in an investigation under this section;

are confidential by law and privileged, are not subject to public inspection and copying under IC 5-14-3-3, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties.

(2) Neither the commissioner nor any person who receives confidential documents, materials, or other information described in subdivision (1) while acting under the authority of the commissioner may be permitted or required to testify in any private civil action concerning the confidential documents, materials, or information described in subdivision (1).

(3) To assist in the performance of the commissioner's duties under this chapter, the commissioner may:

(A) share documents, materials, and other information, including the confidential and privileged documents, materials, and information described in subdivision (1), with:

(i) other state, federal, and international regulatory agencies;

(ii) the National Association of Insurance Commissioners, its affiliates or subsidiaries; and

(iii) state, federal, and international law enforcement authorities;

provided that the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or other information;

(B) receive documents, materials, and information, including otherwise confidential and privileged documents, materials, and information, from:

(i) the National Association of Insurance Commissioners, its affiliates or subsidiaries; and

(ii) regulatory and law enforcement officials of other foreign or domestic jurisdictions;

and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(C) enter into agreements governing sharing and use of information consistent with this subsection.

(4) Disclosure of documents, materials, and information:

(A) to the commissioner; or

(B) by the commissioner;

under this section does not result in a waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information.

(5) This chapter does not prohibit the commissioner from releasing final, adjudicated actions, including for cause terminations that are open to public inspection under IC 5-14, to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners or by its affiliates or subsidiaries.

(f) If an insurer, an authorized representative of an insurer, or a producer fails to report as required under this section or is found to have reported falsely with actual malice by a court of competent jurisdiction, the commissioner may, after notice and hearing, suspend or revoke the license or certificate of authority of the insurer, authorized representative, or producer, and may fine the insurer, authorized representative, or producer under IC 27-4-1-6.

Sec. 16. (a) The commissioner shall waive any requirements, except the requirements imposed by section 8 of this chapter, for a nonresident license applicant with a valid license from the applicant's home state if the applicant's home state awards nonresident licenses to residents of Indiana on the same basis.

(b) A nonresident producer's satisfaction of the nonresident producer's home state's continuing education requirements for

licensed insurance producers also satisfies Indiana's continuing education requirements if the non-resident producer's home state recognizes the satisfaction of the non-resident producer's home state's continuing education requirements imposed upon producers from Indiana on the same basis.

Sec. 17. (a) A producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter. The report shall include a copy of the order, consent to order, or other relevant legal documents.

(b) Not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the commissioner any criminal prosecution of the producer initiated in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

Sec. 18. The commissioner may issue a limited lines producer's license to the following without examination:

- (1) A person who is a ticket-selling producer of a common carrier and who will act only with reference to the issuance of insurance on personal effects carried as baggage, in connection with the transportation provided by such common carrier.
- (2) A person who will only negotiate or solicit limited travel accident insurance in transportation terminals.
- (3) A limited line credit insurance producer.
- (4) A person who will only negotiate or solicit insurance under Class 2(j) of IC 27-1-5-1.
- (5) Any person who will negotiate or solicit a kind of insurance that the commissioner finds does not require an examination to demonstrate professional competency.

Sec. 19. (a) As used in this section, "prearranged funeral insurance" means insurance that is used to fund any of the following:

- (1) A funeral trust under IC 30-2-10 and IC 30-2-13.
- (2) Any other arrangement for advance payment of funeral and burial expenses.

(b) A person shall not sell, solicit, or negotiate prearranged funeral insurance unless the person is licensed as either of the following:

- (1) An insurance producer with a life qualification under section 7 of this chapter.
- (2) A limited lines producer.

(c) A person may be licensed as a limited lines producer to sell only prearranged funeral insurance if the person is:

- (1) licensed under IC 25-15-4-3; and
- (2) granted a change in status under subsection (d).

(d) If, after a person is licensed under this chapter as an insurance producer with a life qualification, the person wants to limit the person's insurance business solely to the sale of prearranged funeral insurance, the person must:

- (1) request the commissioner to issue the person a limited lines producer's license under this chapter; and
- (2) show proof of having completed ten (10) hours of continuing education credit approved by the department.

(e) If the commissioner receives a request and proof under subsection (d), the commissioner shall issue a limited lines producer's license, subject to the provisions of this chapter relating to limited lines producer licenses.

(f) A person issued a limited lines producer's license under subsection (e) may sell only prearranged funeral insurance.

Sec. 20. (a) As used in this section, "crop hail insurance" means insurance that is used only in the event of hail related disasters to growing farm crops.

(b) As used in this section, "multi-peril crop insurance" means insurance that is:

- (1) used in the event of weather related disasters or insect infestations during the growing season; and
- (2) guaranteed by the Federal Crop Insurance Corporation.

(c) To sell multi-peril crop insurance or crop hail insurance, a person must be licensed under this chapter.

(d) If, after a person is licensed under this chapter as an insurance producer, the person wants to limit the person's insurance business solely to the sale of:

- (1) multi-peril crop insurance;
- (2) crop hail insurance; or
- (3) multi-peril crop insurance and crop hail insurance;

the person may request the commissioner to issue to the person a limited lines producer's license under this chapter.

(e) If the commissioner:

- (1) receives a request from a person under subsection (d); and
- (2) the person shows proof of having completed ten (10) hours of continuing education credit approved by the department;

the commissioner shall issue a limited lines producer's license to the person, subject to the provisions of this chapter relating to limited lines producer's licenses.

(f) A person issued a limited lines producer's license under subsection (e) may sell only:

- (1) multi-peril crop insurance;
- (2) crop hail insurance; or
- (3) multi-peril crop insurance and crop hail insurance.

Sec. 21. (a) Service of process upon any nonresident producer licensee in any action or proceeding in any court of competent jurisdiction of Indiana arising out of the nonresident producer's insurance business in Indiana may be made by serving the commissioner with appropriate copies thereof and paying to the commissioner a fee of two dollars (\$2). The commissioner shall forward a copy of such process by registered or certified mail to the licensee at the licensee's last known address of record or principal place of business, and shall keep a record of all processes so served upon the commissioner.

(b) The service of process under subsection (a) is sufficient if notice of the service and a copy of the process are sent to the licensee at the licensee's last known address of record or principal place of business by registered or certified mail, return receipt requested not more than ten (10) days after the commissioner is served.

Sec. 22. (a) An insurance producer may not receive compensation for the sale, solicitation, negotiation, or renewal of any insurance policy issued to any person or entity for whom the insurance producer, for a fee, acts as a consultant for that policy unless:

- (1) the insurance producer provides to the insured a written agreement in accordance with section 23(c) of this chapter; and
- (2) the insurance producer discloses to the insured the following information prior to the sale, solicitation, negotiation, or renewal of any policy:
 - (A) The fact that the insurance producer will receive compensation for the sale of the policy.
 - (B) The method of compensation.

(b) The requirements of this subsection are in addition to the requirements set forth in subsection (a). A risk manager described in IC 27-1-22-2.5(b)(2) shall, before providing risk management services to an exempt commercial policyholder (as defined in IC 27-1-22-2.5), disclose in writing to the exempt commercial policyholder whether the risk manager will receive or expects to receive any commission, fee, or other consideration from an insurer in connection with the purchase of a commercial insurance policy by the exempt commercial policyholder. However, if the risk manager charges the exempt commercial policyholder a fee for risk management services, the risk manager shall disclose in writing to the exempt commercial policyholder the specific amount of any commission, fee, or other consideration that the risk manager may receive from an insurer in connection with the purchase of the policy. The risk manager shall, before providing the risk management services, obtain from the exempt commercial policyholder a written acknowledgment of the disclosures made by the risk manager to the exempt commercial policyholder under this subsection.

Sec. 23. (a) An individual or corporation shall not engage in the business of an insurance consultant until a consultant license has been issued to the individual or corporation by the commissioner. However, a consultant license is not required for the following:

- (1) An attorney licensed to practice law in Indiana acting in the

attorney's professional capacity.

(2) A duly licensed insurance producer or surplus lines producer.

(3) A trust officer of a bank acting in the normal course of the trust officer's employment.

(4) An actuary or a certified public accountant who provides information, recommendations, advice, or services in the actuary's or certified public accountant's professional capacity.

(b) An application for a license to act as an insurance consultant shall be made to the commissioner on forms prescribed by the commissioner. An applicant may limit the scope of the applicant's consulting services by stating the limitation in the application. The areas of allowable consulting services are:

(1) Class 1, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 1; and

(2) Class 2 and Class 3, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 2 and Class 3.

Within a reasonable time after receipt of a properly completed application form, the commissioner shall hold a written examination for the applicant that is limited to the type of consulting services designated by the applicant, and may conduct investigations and propound interrogatories concerning the applicant's qualifications, residence, business affiliations, and any other matter that the commissioner considers necessary or advisable in order to determine compliance with this chapter or for the protection of the public.

(c) For purposes of this subsection, "consultant's fee" does not include a late fee charged under section 24 of this chapter or fees otherwise allowed by law. A consultant shall provide consultant services as outlined in a written agreement. The agreement must be signed by the person receiving services, and a copy of the agreement must be provided to the person receiving services before any services are performed. The agreement must outline the nature of the work to be performed by the consultant and the method of compensation of the consultant. The signed agreement must be retained by the consultant for not less than two (2) years after completion of the services. A copy of the agreement shall be made available to the commissioner. In the absence of an agreement on the consultant's fee, the consultant shall not be entitled to recover a fee in any action at law or in equity.

(d) An individual or corporation shall not concurrently hold a consultant license and an insurance producer's license, surplus lines producer's license, or limited lines producer's license at any time.

(e) A licensed consultant shall not:

- (1) employ;
- (2) be employed by;
- (3) be in partnership with; or
- (4) receive any remuneration whatsoever;

from a licensed insurance producer, surplus lines producer, or limited lines producer or insurer, except that a consultant may be compensated by an insurer for providing consulting services to the insurer.

(f) A consultant license shall be valid for not longer than twenty-four (24) months and may be renewed and extended in the same manner as an insurance producer's license. The commissioner shall designate on the license the consulting services that the licensee is entitled to perform.

(g) All requirements and standards relating to the denial, revocation, or suspension of an insurance producer's license, including penalties, apply to the denial, revocation, and suspension of a consultant license as nearly as practicable.

(h) A consultant is obligated under the consultant's license to:

- (1) serve with objectivity and complete loyalty solely the insurance interests of the consultant's client; and
- (2) render the client such information, counsel, and service as within the knowledge, understanding, and opinion, in good faith of the licensee, best serves the client's insurance needs and interests.

(i) Except as provided in subsection (j), the form of a written

agreement required by subsection (c) must be filed with the commissioner not less than thirty (30) days before the form is used. If the commissioner does not expressly approve or disapprove the form within thirty (30) days after filing, the form is considered approved. At any time after notice and for cause shown, the commissioner may withdraw approval of a form effective thirty (30) days after the commissioner issues notice that the approval is withdrawn.

(j) Subsection (i) does not apply to the form of a written agreement under subsection (c) that is executed by an insurance producer and an exempt commercial policyholder (as defined in IC 27-1-22-2.5).

Sec. 24. (a) This section applies to commercial property and casualty insurance coverage described in Class 2 and Class 3 of IC 27-1-5-1.

(b) A licensed insurance producer may charge a commercial insured a reasonable fee to reimburse the insurance producer for expenses incurred by the insurance producer at the specific request of the commercial insured, subject to the following requirements:

(1) Before incurring any expense described in this subsection, the insurance producer must provide written notice to the commercial insured stating that a fee will be charged and setting forth the:

- (A) amount of the fee; or
- (B) basis for calculating the fee.

(2) The amount of a fee and the basis for calculating a fee may not vary among commercial insureds.

(3) Any fee that is charged must be identified separately from premium and itemized in any bill provided to the commercial insured.

(c) A licensed insurance producer may charge a commercial insured a reasonable fee for services that are provided at the request of the commercial insured in connection with a policy that provides coverage described in subsection (a) and for which the insurance producer does not receive a commission or other compensation, subject to the following requirements:

(1) Before providing services, the insurance producer must provide to the commercial insured a written description of the services to be provided and the fee for the services.

(2) Any fee that is charged must be identified separately from premium and itemized in any bill provided to the commercial insured.

(d) A licensed insurance producer who acts as a consultant and provides services described in this section shall comply with the requirements of this section and section 23 of this chapter.

(e) A licensed insurance producer may charge a late fee for agency billed accounts or policies that are more than thirty (30) days delinquent. A late fee may not exceed one and three quarters percent (1.75%) per month of the amount due on the due date.

Sec. 25. An individual who performed the functions of a person representing a fraternal benefit society before July 1, 1977, is not required to take an examination, but is entitled to have an insurance producer's license issued to the individual, subject to IC 27-1-15.7 and the requirements of this chapter.

Sec. 26. A person who performed the functions of a limited lines producer negotiating or soliciting the type of insurance described in IC 27-1-5-1, Class 2(j) before July 1, 1977, is not required to take an examination, but is entitled to have an insurance producer's license issued to the individual, subject to IC 27-1-15.7 and the requirements of this chapter.

Sec. 27. A person who held a valid solicitor's license on July 1, 1977, is subject to the same rights and responsibilities under a solicitor's license as the rights and responsibilities that were in effect before enactment of this chapter.

Sec. 28. (a) Upon receiving an order of a court issued under IC 31-14-12-7 or IC 31-16-12-10 (or IC 31-1-11.5-13(m) or IC 31-6-6.1-16(m) before their repeal), the commissioner shall:

- (1) suspend a license issued under this chapter to the person who is the subject of the order; and
- (2) promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:
 - (A) That the person's license is suspended beginning five

(5) business days after the date the notice is mailed, and that the suspension will terminate not earlier than ten (10) business days after the commissioner receives an order allowing reinstatement from the court that issued the suspension order.

(B) That the person has the right to petition for reinstatement of a license issued under this chapter to the court that issued the order for suspension.

(b) The commissioner shall not reinstate a license suspended under subsection (a) until the commissioner receives an order allowing reinstatement from the court that issued the order for suspension.

Sec. 29. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 12-17-2-34(i), the commissioner shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2, and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under IC 12-17-2-35;

within twenty (20) days after the date the notice is mailed, the commissioner shall place the person on probationary status with respect to a license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under IC 12-17-2-35.

(6) Explains that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 12-17-2-36(d), the commissioner shall send a notice to the person who is the subject of the order stating the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice was mailed, and that the probation will terminate ten (10) business days after the commissioner receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the commissioner is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the

commissioner shall suspend the person's license.

(c) If the commissioner receives a notice by the bureau (Title IV-D agency) under IC 12-17-2-34(i) that the person whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the notice required under subsection (b) is mailed, the commissioner shall suspend the person's license.

(d) The commissioner may not reinstate any license placed on probation or suspended under this section until the commissioner receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

Sec. 30. The commissioner and the director of the department of financial institutions shall consult with each other and assist each other in enforcing compliance with the provisions of IC 28 concerning the sale of life insurance policies and annuity contracts. The commissioner and the director of the department of financial institutions may jointly conduct investigations, prosecute suits, and take other official action they consider appropriate under this section if either of them is empowered to take the action. If the director of the department of financial institutions is informed by a financial institution or its affiliate of a violation or suspected violation of any provision of IC 28 concerning the sale of life insurance policies or annuity contracts or of the insurance laws and rules of Indiana, the director of the department of financial institutions shall timely advise the commissioner of the violation. If the commissioner is informed by a financial institution or its affiliate of a violation or suspected violation of any provision of IC 28 concerning the sale of life insurance policies or annuity contracts or of the insurance laws and rules of Indiana, the commissioner shall timely advise the director of the department of financial institutions of the violation.

Sec. 31. An insurance producer shall not:

(1) be named a beneficiary of;

(2) become an owner of; or

(3) receive a collateral assignment of;

an individual life insurance policy or individual annuity contract unless the insurance producer has an insurable interest in the life of the insured or annuitant. A beneficiary designation, ownership designation, or collateral assignment made in violation of this section is void.

Sec. 32. (a) The department shall adopt rules under IC 4-22-2 to set fees for licensure under this chapter, IC 27-1-15.7, and IC 27-1-15.8.

(b) Insurance producer and limited lines producer license renewal fees are due every four (4) years. The fee charged by the department every four (4) years for a:

(1) resident license is forty dollars (\$40); and

(2) nonresident license is ninety dollars (\$90).

(c) Consultant renewal fees are due every twenty-four (24) months.

(d) Surplus lines producer renewal fees are due annually.

(e) The commissioner may issue a duplicate license for any license issued under this chapter. The fee charged by the commissioner for the issuance of a duplicate:

(1) insurance producer license;

(2) surplus lines producer license;

(3) limited lines producer license; or

(4) consultant license;

may not exceed ten dollars (\$10).

Sec. 33. Except as otherwise provided in section 32 of this chapter, the commissioner may adopt rules under IC 4-22-2 to carry out the purposes of this chapter.

Sec. 34. All hearings held under this chapter are governed by IC 4-21.5-3. The commissioner may appoint members of the commissioner's staff to act as hearing officers for purposes of

hearings held under this chapter."

Page 77, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 48. [EFFECTIVE JANUARY 1, 2002] (a) After December 31, 2001:

- (1) any reference in the Indiana Code to an insurance agent shall be treated as a reference to an insurance producer (as defined in IC 27-1-15.6-2(7), as added by this act);**
- (2) any reference in the Indiana Code to a surplus lines insurance agent shall be treated as a reference to a surplus lines producer (as defined in IC 27-1-15.6-2(17), as added by this act); and**
- (3) any reference in the Indiana Code to a limited insurance representative shall be treated as a reference to a limited lines producer (as defined in IC 27-1-15.6-2(12), as added by this act).**

(b) This SECTION expires June 30, 2005."

Renumber all SECTIONS consecutively.

(Reference is to ESB 386 as printed April 9, 2001.)

RIPLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 404

Representative C. Brown called down Engrossed Senate Bill 404 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 404-1)

Mr. Speaker: I move that Engrossed Senate Bill 404 be amended to read as follows:

Page 2, line 35, after "prescribed" insert "**monetary**".
 (Reference is to ESB 404 as printed April 9, 2001.)

C. BROWN

Motion prevailed.

HOUSE MOTION
 (Amendment 404-2)

Mr. Speaker: I move that Engrossed Senate Bill 404 be amended to read as follows:

Page 3, between lines 35 and 36 begin a new paragraph and insert the following:

"SECTION 12. IC 16-42-5-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28. (a) The state department shall adopt rules under IC 4-22-2 establishing a schedule of civil penalties that may be imposed by the state department to enforce either of the following:

- (1) This chapter.**
- (2) Rules adopted to implement this chapter.**

(b) A penalty included in the schedule of civil penalties established under this section may not exceed one thousand dollars (\$1,000) for each violation per day.

(c) The state department may issue an order of compliance or impose a civil penalty included in the schedule of civil penalties established under this section, or both, against a person who does any of the following:

- (1) Fails to comply with this chapter or a rule adopted to implement this chapter.**
- (2) Interferes with or obstructs the state department or the state department's designated agent in the performance of duties under this chapter.**

(d) The state department may issue an order of compliance against a person described in subsection (c) under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. The state department may impose a civil penalty against a person described in subsection (c) only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding commenced to impose a civil penalty under the schedule of civil penalties established under this section may be consolidated with any other proceeding commenced to enforce either of the following:

- (1) This chapter.**
- (2) A rule adopted by the state department to implement this chapter."**

Page 5, between lines 32 and 33 begin a new paragraph and insert the following:

"SECTION 15. [EFFECTIVE UPON PASSAGE] IC 16-42-5-28, as added by this act, applies to violations that occur after June 30, 2001. The state department of health may adopt rules establishing the initial schedule of civil penalties required under IC 16-42-5-28, as added by this act, at any time after the effective date of this SECTION in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1. An emergency rule adopted under this SECTION expires on the later of:

- (1) the date that permanent rules are adopted to replace the emergency rules; or**
- (2) July 1, 2003."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 404 as printed April 9, 2001.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

Representatives Herndon and Yount were excused.

Engrossed Senate Bill 445

Representative Bischoff called down Engrossed Senate Bill 445 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 445-2)

Mr. Speaker: I move that Engrossed Senate Bill 445 be amended to read as follows:

Page 7, between lines 15 and 16, begin a new paragraph and insert:
SECTION 1. IC 5-2-6.1-35.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 10, 1999 (RETROACTIVE)]: Sec. 35.5. (a) If:

- (1) at least two (2) claimants suffer injuries or damages based on the same violent crime;**
- (2) the injuries and damages suffered and the rationale for awarding money to the claimants under this chapter are substantially similar for all the claimants; and**
- (3) at least one (1) of the claimants receives a greater award from the division under this chapter than any of the other claimants;**

all of the claimants are eligible to receive an amount of money under this chapter that is equal to the highest award received by any of the claimants under this chapter.

(b) If a claimant believes the claimant is eligible to receive additional money from the fund as described in subsection (a), the claimant may file an application under this section with the division to receive the additional money for which the claimant is eligible.

Renumber all SECTIONS consecutively.

(Reference is to ESB as printed April 6, 2001.)

BOTTORFF

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Chair ruled the point was not well taken.

The question was on the motion of Representative Bottorff. The Chair ordered a division of the House and appointed Representatives Kruzan and Bosma to count the yeas and nays. Yeas 50, nays 46. Motion prevailed.

HOUSE MOTION
 (Amendment 445-1)

Mr. Speaker: I move that Engrossed Senate Bill 445 be amended to read as follows:

Page 5, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 5. IC 22-6-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 5. Arbitration of Employment Disputes

Sec. 1. (a) This chapter applies to the resolution of disputes involving employment relationships when:

- (1) binding arbitration of a dispute is required by a contract or other agreement; and**

(2) the arbitration occurs in Indiana or affects employers or employees located in Indiana.

(b) This chapter does not:

(1) contravene any other agreement or law providing an employee or employer greater or more favorable rights in connection with the resolution of employment relationship disputes; or

(2) apply to employment relationships governed by a collective bargaining agreement.

Sec. 2. All parties involved in the dispute are entitled to be represented by counsel at all times during the dispute resolution process described in this chapter.

Sec. 3. (a) All parties involved in the dispute are entitled to compel:

(1) the attendance of witnesses;

(2) the answers to written questions or interrogatories, not to exceed fifty (50) in number, including subparts; and

(3) the production of books, records, documents, and other evidence;

as is necessary for resolution of the dispute.

(b) The arbitrator may permit additional interrogatories or require the production of other types of information, including the taking of depositions, when a reasonable need for the information is shown.

Sec. 4. The arbitrator shall make written findings of fact and prepare a written decision and order stating in detail the reasons for the arbitrator's decision in each issue involved in the dispute.

Sec. 5. This chapter applies to the arbitration of employment relationship disputes when the resolution process begins after June 30, 2001."

Renumber all SECTIONS consecutively.

(Reference is to SB 445 as printed March 2, 2001.)

KUZMAN

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Kuzman withdrew the motion.

HOUSE MOTION

(Amendment 445-4)

Mr. Speaker: I move that Engrossed Senate Bill 445 be amended to read as follows:

Page 7, between lines 15 and 16, begin a new paragraph and insert:
"Section 5. IC 11-10-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The department shall, after consulting with the state superintendent of public instruction and the Indiana commission on vocational and technical education of the department of workforce development, implement academic and vocational education curricula and programs for confined offenders, by utilizing qualified personnel employed by the department or by arranging for instruction to be given by public or private educational agencies in Indiana. **A private entity that provides educational services under this section is subject to laws that apply to the facility including laws concerning criminal history checks of employees of the facility.**

(b) The department shall include special education programs, which shall be governed under IC 20-1-6-2.1.

(c) **The academic and vocational education curricula and programs implemented under this chapter must be:**

(1) consistent with the state's academic standards under IC 20-10.1-16 and IC 20-10.1-17;

(2) offered in a manner that allows an offender to qualify for a diploma upon successful completion of the state's requirements for high school graduation or for a general educational development diploma under IC 20-10.1-12.1; and

(3) provided by teachers who meet the requirements specified under IC 20-6.1-3.

The department shall encourage an offender to pursue a high school diploma.

(d) To provide funding for development and implementation of academic and vocational education curricula and programs, the department may accept gifts and apply for and receive grants from

any source.

SECTION 6. IC 12-24-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) Any academic and vocational education curricula or program that is provided to patients of a state institution must be:

(1) consistent with the state's academic standards under IC 20-10.1-16 and IC 20-10.1-17;

(2) offered in a manner that allows patients of the state institution to qualify for diplomas upon successful completion of the state's requirements for high school graduation; and

(3) provided by teachers who meet the requirements specified under IC 20-6.1-3.

(b) The superintendent of a state institution may contract with a private or public entity to provide educational services in academic and vocational education programs provided to patients of the state institution. A private entity that provides educational services under this section is subject to the laws that apply to a state institution, including laws concerning criminal history checks of employees of the state institution.

SECTION 3. IC 16-33-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) Any academic and vocational education curricula or program that is provided to clients under this chapter must be:

(1) consistent with the state's academic standards under IC 20-10.1-16 and IC 20-10.1-17;

(2) offered in a manner that allows clients to qualify for diplomas upon successful completion of the state's requirements for high school graduation; and

(3) provided by teachers who meet the requirements specified under IC 20-6.1-3.

(b) The director may contract with a private or public entity to provide educational services in academic and vocational education programs provided to clients under this chapter. A private entity that provides educational services under this section is subject to the laws that apply to the center, including laws concerning criminal history checks of employees of the center.

SECTION 7. IC 16-33-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) The children of the home shall be:

(1) taught and treated in a manner that promotes the children's physical, intellectual, and moral improvement; and

(2) trained in habits of industry, studiousness, and morality.

(b) The superintendent of the home:

(1) shall afford to the children of the home literary, art, technical, and industrial education as can reasonably be provided;

(2) may conduct a school at the home, which must be accredited, or may otherwise arrange for the education of the children in county reorganized schools near the institution; and

(3) shall make certain that a child attending a county school receives instruction that is not inferior in any respect to the curriculum offered in a school possessing a first class commission from the state.

The academic and vocational education curricula and programs conducted under subdivision (2) must be consistent with the state's academic standards under IC 20-10.1-16 and IC 20-10.1-17 and offered in a manner that allows children of the home to qualify for diplomas upon successful completion of the state's requirements for high school graduation. The academic and vocational programs conducted under subdivision (2) must be provided by teachers who meet the requirements specified under IC 20-6.1-3.

(c) If a school is maintained at the home, the superintendent shall do the following:

(1) Cause to be provided the proper educational materials for use in the school.

(2) Employ the necessary teachers.

(d) A person who teaches in a department of the school must be qualified and properly certified by the ~~Indiana~~ state professional standards board of education.

(e) The superintendent may contract with a private or public entity to provide educational services in academic and vocational education programs conducted under this section and section 10 of this

chapter. A private entity that provides educational services under this section is subject to the laws that apply to the home, including laws concerning criminal history checks of employees of the home.

SECTION 8. IC 16-33-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The superintendent shall establish and maintain a vocational school on the grounds of the home and maintain suitable facilities in which vocational trades and arts are taught. **A school established and maintained under this section is subject to the vocational education curricula and program requirements of section 9 of this chapter.**

(b) The superintendent may utilize donated money or state money without limitation to finance vocational construction projects that are:

- (1) authorized by the budget agency; and
- (2) in accordance with designs approved by the public works division of the Indiana department of administration."

Page 8, between lines 31 and 32, begin a new paragraph and insert:

SECTION 10. IC 20-12-0.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. The commission shall have the following powers and duties:

(1) To develop, continually keep current, and implement a long range plan for postsecondary education. In developing this plan, the commission shall take into account the plans and interests of the state private institutions, anticipated enrollments in state postsecondary institutions, financial needs of students and other factors pertinent to the quality of educational opportunity available to the citizens of Indiana. The plan shall define the educational missions and the projected enrollments of the various state educational institutions.

(2) To consult with and make recommendations to the commission on vocational and technical education within the department of workforce development on all postsecondary vocational education programs. The commission shall biennially prepare a plan for implementing postsecondary vocational education programming after considering the long range state plan developed under IC 20-1-18.3-10. The commission shall submit this plan to the commission on vocational and technical education within the department of workforce development for its review and recommendations, and shall specifically report on how the plan addresses preparation for employment.

(3) To make recommendations to the general assembly and the governor concerning the long range plan, and prepare to submit drafts and proposed legislation needed to implement the plan. The commission may also make recommendations to the general assembly concerning the plan for postsecondary vocational education under subdivision (2).

(4) To review the legislative request budgets of all state educational institutions preceding each session of the general assembly and to make recommendations concerning appropriations and bonding authorizations to state educational institutions including public funds for financial aid to students by any state agency. The commission may review all programs of any state educational institution, regardless of the source of funding, and may make recommendations to the governing board of the institution, the governor, and the general assembly concerning the funding and the disposition of the programs. In making this review, the commission may request and shall receive, in such form as may reasonably be required, from all state educational institutions, complete information concerning all receipts and all expenditures.

(5) To submit to the commission on vocational and technical education within the department of workforce development for its review under IC 20-1-18.3-15 the legislative budget requests prepared by state educational institutions for state and federal funds for vocational education. These budget requests shall be prepared upon request of the budget director, shall cover the period determined by the budget director, and shall be made available to the commission within the department of workforce development before review by the budget committee.

(6) To make, or cause to be made, studies of the needs for various types of postsecondary education and to make recommendations to the general assembly and the governor

concerning the organization of these programs. The commission shall make or cause to be made studies of the needs for various types of postsecondary vocational education and shall submit to the commission on vocational and technical education within the department of workforce development its findings in this regard.

(7) To approve or disapprove the establishment of any new branches, regional or other campuses, or extension centers or of any new college or school, or the offering on any campus of any additional associate, baccalaureate, or graduate degree, or of any additional program of two (2) semesters, or their equivalent in duration, leading to a certificate or other indication of accomplishment. After March 29, 1971, no state educational institution shall establish any new branch, regional campus, or extension center or any new or additional academic college, or school, or offer any new degree or certificate as defined in this subdivision without the approval of the commission or without specific authorization by the general assembly. Any state educational institution may enter into contractual agreements with governmental units or with business and industry for specific programs to be wholly supported by the governmental unit or business and industry without the approval of the commission.

(8) If so designated by the governor or the general assembly, to serve as the agency for the purposes of receiving or administering funds available for postsecondary education programs, projects, and facilities for any of the acts of the United States Congress where the acts of Congress require the state to designate such an agency or commission. However, this subdivision does not provide for the designation of the commission by the governor as the recipient of funds which may be provided by acts of the United States Congress, received by an agency, a board, or a commission designated by the general assembly.

(9) To designate and employ an executive officer and necessary employees, to designate their titles, and to fix the compensation in terms of the employment.

(10) To appoint appropriate advisory committees composed of representatives of state educational institutions, representatives of private colleges and universities, students, faculty, and other qualified persons.

(11) To employ all powers properly incident to or connected with any of the foregoing purposes, powers, or duties, including the power to adopt rules.

(12) To develop a definition for and report biennially to the:

(A) general assembly;

(B) governor; and

(C) commission on vocational and technical education within the department of workforce development;

on attrition and persistence rates by students enrolled in state vocational education.

(13) To ensure that if a state educational institution provides an academic or vocational education program to students in kindergarten through grade 12 the program is consistent with the state's academic standards under IC 20-10.1-16 and IC 20-10.1-17.

SECTION 11. IC 20-15-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) **Any academic and vocational education curricula or program that is provided under this chapter must be:**

(1) **consistent with the state's academic standards under IC 20-10.1-16 and IC 20-10.1-17;**

(2) **offered in a manner that allows students to qualify for diplomas upon successful completion of the state's requirements for high school graduation; and**

(3) **provided by teachers who meet the requirements specified under IC 20-6.1-3.**

(b) **The superintendent may contract with a private or public entity to provide educational services in academic and vocational education programs established under this chapter. A private entity that provides educational services under this section is subject to the**

laws that apply to the school, including laws concerning criminal history checks of employees of the school.

SECTION 12. IC 20-16-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) Any academic and vocational education curricula or program that is provided under this chapter must be:

- (1) consistent with the state's academic standards under IC 20-10.1-16 and IC 20-10.1-17;
- (2) offered in a manner that allows students to qualify for diplomas upon successful completion of the state's requirements for high school graduation; and
- (3) provided by teachers who meet the requirements specified under IC 20-6.1-3.

(b) The superintendent may contract with a private or public entity to provide educational services in academic and vocational education programs established under this chapter. A private entity that provides educational services under this section is subject to the laws that apply to the school, including laws concerning criminal history checks of employees of the school."

Renumber all SECTIONS consecutively.

(Reference is to ESB 445 as printed April 6, 2001.)

OXLEY

Motion prevailed.

HOUSE MOTION (Amendment 445-3)

Mr. Speaker: I move that Engrossed Senate Bill 445 be amended to read as follows:

Page 8, between lines 31 and 32, begin a new paragraph and insert:
"SECTION 6. IC 20-17 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:
ARTICLE 17. EMPLOYMENT PROTECTION FOR EDUCATIONAL EMPLOYEES

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" refers to the Indiana education employment relations board established by IC 20-7.5-1-9.

Sec. 3. "Classification seniority" means the length of the most recent continuous service in an employee's classification with a single employer.

Sec. 4. "Employee" refers to a noncertificated employee (as defined in IC 20-7.5-1-2(g)) of a school corporation.

Sec. 5. "Employer" means a school employer, as defined in IC 20-7.5-1-2(c).

Sec. 6. "Just cause", as the term pertains to the discipline of employees, includes any of the following:

- (1) Falsification of an employment application to obtain employment through subterfuge.
- (2) Knowing violation of a reasonable and uniformly enforced rule of an employer.
- (3) Unsatisfactory attendance, if the employee is unable to show cause for the employee's absences or tardiness.
- (4) Damaging the employer's property through willful negligence.
- (5) Refusing to obey lawful instructions.
- (6) Reporting to work under the influence of alcohol in a state of intoxication or a controlled substance (as set forth in IC 35-48-2), consuming alcohol or a controlled substance on the employer's premises or while operating the employer's vehicles, or while driving a commercial motor vehicle committing a disqualifying offense under IC 9-24-6-8.
- (7) Conduct endangering the safety of the employee or any other employees.
- (8) Conduct endangering the safety of students.
- (9) Any breach of a duty in connection with the employee's employment that is reasonably owed the employer by an employee.
- (10) Commission of child molesting (IC 35-42-4-3), child exploitation (IC 35-42-4-4), vicarious sexual gratification (IC 35-42-4-5), child solicitation (IC 35-42-4-6), child seduction

(IC 35-42-4-7), or sexual misconduct with a minor (IC 35-42-4-9).

Sec. 7. "School corporation" has the meaning set forth in IC 20-7.5-1-2(a).

Chapter 2. Classification

Sec. 1. An employee may not attain classification seniority until completion of a probationary period of thirty (30) days, at which time classification seniority relates back to the employee's date of hire.

Sec. 2. If a permanent or prolonged reduction within any classification of employees is determined necessary by an employer, classification seniority shall be the determining factor in making the reduction and any subsequent recall from reduction.

Chapter 3. Representation

Sec. 1. An employee is entitled to representation by an employee organization or legal counsel, or both, during any proceeding under this article.

Chapter 4. Discipline and Discharge of Employees

Sec. 1. An employee may be disciplined before suspension or discharge only for just cause as enumerated in IC 20-17-1-6(1) through IC 20-17-1-6(7), IC 20-17-1-6(9), and must be:

- (1) informed in writing of all details of any offense or violation:
 - (A) with which the employee is charged; and
 - (B) that would constitute just cause for discipline; and
- (2) given a reasonable time to correct the behavior constituting the identified offense or violation described in clause (A).

Sec. 2. A discharge may not take effect unless, at least ten (10) days before the effective date of the discharge, the employer:

- (1) provides the employee with written notice of all offenses or violations for which the employee is being discharged; and
- (2) affords the employee an opportunity to request, in writing, a hearing before an impartial hearing examiner under IC 20-17-5.

Sec. 3. A request for a hearing under IC 20-17-5 must be made by an employee before the effective date of the discharge. If the employee fails to request the hearing, the employee is considered discharged on the effective date of the employer's written notice.

Sec. 4. If an employee requests a hearing under IC 20-17-5, the employer may suspend the employee with pay upon the effective date of discharge, pending the determination of the hearing examiner.

Sec. 5. The employer may, without notice, suspend with pay an employee pending discharge if:

- (1) the employer reasonably believes the nature of the employee's misconduct warrants immediate suspension; or
- (2) the suspension is for just cause as enumerated in IC 20-17-1-6(8) and IC 20-17-1-6(10).

In this case, the employer shall afford to the employee, after the suspension, the formal procedures described in section 1(1) of this chapter.

Chapter 5. Hearings

Sec. 1. Upon receipt of a written request by an employee subject to discharge as described in IC 20-17-4-2, the employer shall request the board to appoint a hearing examiner to preside over the hearing.

Sec. 2. A hearing examiner has the following duties:

- (1) To give the notice provided in section 3 of this chapter.
- (2) To schedule the hearing at a specified date, time, and place, with the authority to postpone the date and time or change the place for any good cause.
- (3) To take full charge of the hearing in accordance with IC 4-21.5-3-25 and IC 4-21.5-3-26, subject to this chapter.
- (4) To render a written decision in the matter, including findings of fact and conclusions of law, that is binding on all parties as of the date of the decision and that contains a notice of the right to seek review of the decision before the board.
- (5) To file the original of the hearing examiner's findings, conclusions, and decision, along with the record in the case, with the board.
- (6) To cause a copy of the hearing examiner's findings, conclusions, and decision to be served upon each of the parties.

Sec. 3. The following constitutes the hearing procedures by which an employee may be discharged:

- (1) The hearing examiner, not more than five (5) days after the

hearing examiner's appointment, shall send notice to the parties of the date, time, and location set for the hearing.

(2) The hearing examiner shall conduct the hearing under IC 4-21.5-3-25 and IC 4-21.5-3-26.

Sec. 4. Any party to the hearing who is aggrieved by the decision of the hearing examiner may appeal the decision to the board as follows:

(1) Not more than twenty (20) days after the date the hearing examiner files the hearing examiner's findings, conclusions, and decision, the party aggrieved by the decision may file a petition for review of the hearing examiner's findings, conclusions, and decision. The filing and pendency of a petition for review shall operate to stay the effectiveness of the decision unless otherwise ordered by the board.

(2) The petition for review must be in writing and be filed with the board. At the same time, a copy of the petition for review must also be filed with the opposing party. The petition must specifically set forth the reasons for the objections of the aggrieved party to the decision of the hearing examiner.

(3) Not more than ten (10) days after the date on which the petition for review is filed with the board, any party to the proceeding before the hearing officer may file a reply to the petition for review on the board with simultaneous service upon the opposing party. The reply must specifically set forth the party's reply to the objections of the aggrieved party to the decision of the hearing examiner.

(4) Not more than fifteen (15) days after the filing of a reply to the petition for review, if any, the board shall render a final decision consisting of the board's findings of fact, conclusions of law, and final order in the matter.

(5) A party to the board's final decision may seek judicial review under IC 4-21.5-5.

Sec. 5. The board is authorized to enforce the board's orders and to take other appropriate action, including reinstating an employee with back pay.

Chapter 6. Construction

Sec. 1. This article may not be construed to limit the application of an agreement negotiated between an employer and the recognized representative of employees with a particular employer."

Renumber all SECTIONS consecutively.

(Reference is to ESB 445 as printed April 6, 2001.)

KERSEY

Representative Buck rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Chair ruled the point was not well taken.

The question was on the motion of Representative Kersey. Upon request of Representatives Hoffman and Bosma, the Chair ordered the roll of the House to be called. Roll Call 483: yeas 52, nays 39. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 456

Representative M. Smith called down Engrossed Senate Bill 456 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 456-4)

Mr. Speaker: I move that Engrossed Senate Bill 456 be amended to read as follows:

Page 2, delete lines 16 through 42.

Delete pages 3 through 10, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION, "committee" refers to the interim study committee on ethanol use and ethanol production facility funding established by this SECTION.

(b) There is established an interim study committee on ethanol use and ethanol production facility funding. The commission shall study the following:

(1) Practical means of funding the construction of an ethanol production facility in Indiana.

(2) Availability of state and federal money to further the

promotion and production of renewable fuels and new technology that uses corn.

(3) Feasibility of phasing out the use of methyl tertiary-butyl ether in petroleum by July 1, 2004, and the effect on the state's gasoline supply.

(4) Demand for ethanol produced in the state if methyl tertiary-butyl ether is phased out by July 1, 2004.

(c) The committee consists of the following members:

(1) Four (4) members from the Indiana general assembly. The speaker of the house of representatives shall appoint two (2) members of the house of representatives. Each member must be from a different political party. The president pro tempore of the senate shall appoint two (2) members of the senate. Each member must be from a different political party.

(2) The commissioner of agriculture shall appoint one (1) member representing corn growers in Indiana.

(3) The commissioner of agriculture shall appoint one (1) member who is an agricultural economist.

(4) The commissioner of agriculture shall appoint one (1) member representing petroleum suppliers in Indiana.

(5) The commissioner of agriculture shall appoint one (1) member representing petroleum marketers in Indiana.

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to action on any measure, including final reports.

(f) This SECTION expires December 31, 2001."

Renumber all SECTIONS consecutively.

(Reference is to ESB 456 as printed March 28, 2001.)

FRIEND

Motion prevailed.

HOUSE MOTION (Amendment 456-3)

Mr. Speaker: I move that Engrossed Senate Bill 456 be amended to read as follows:

Page 9, between lines 23 and 24, begin a new paragraph and insert: "SECTION 14. IC 15-7-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 10. GMO Product Actions

Sec. 1. As used in this chapter, "blending" means the unintentional mixing or commingling of gmo products and non gmo products during harvesting of crops that results in the presence of a gmo gene in a non gmo product.

Sec. 2. As used in this chapter, "cross pollination" means the airborne transfer and introduction of pollen or geoplasm from a gmo product into a non gmo product that results in the presence of a gmo gene in the non gmo product.

Sec. 3. As used in this chapter, "gmo product" means a biogenetically designed or modified agricultural seed or crop that:

- (1) eliminates the need for pesticides;
- (2) bolsters the nutrients in a crop; or
- (3) provides other agricultural or nutritional benefits in a seed or crop.

Sec. 4. As used in this chapter, "manufacturer" means a person (as defined in IC 14-8-2-202(a)) who makes a gmo product.

Sec. 5. As used in this chapter, "non marketable" means the refusal of a domestic, foreign, or international agricultural entity to purchase a crop because of the presence of a gmo product gene in the crop.

Sec. 6. A producer of a non gmo crop who harvests a crop that is non marketable due to cross pollination or blending from a gmo product may bring a civil action against a manufacturer for:

- (1) actual damages;
- (2) treble damages; and
- (3) costs and reasonable attorney's fees.

Sec. 7. An action brought under section 6 of this chapter must be commenced not more than two (2) years after the date the producer becomes aware of the non marketability of the non gmo crop."

Renumber all SECTIONS consecutively.
(Reference is to ESB 456 as printed March 28, 2001.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Representatives Herndon and Yount were present.

HOUSE BILLS ON SECOND READING

House Bill 1271

Representative Mahern called down House Bill 1271 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1271-1)

Mr. Speaker: I move that House Bill 1271 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the constitutional duties of the general assembly.

Page 1, line 2, delete "UPON" and insert "JULY 1, 2001]:".

Page 1, delete line 3.

Page 1, line 16, delete "IC 3-3-4" and insert "**IC 3-3-5**".

Page 2, line 42, delete "UPON" and insert "JULY 1, 2001]:".

Page 3, delete line 1.

Page 3, line 6, delete "township" and insert "**Township**".

Page 4, line 10, after "New Haven 2/2J," insert "**Adams 157**".

Page 4, line 11, delete "Adams 191N/A" and insert "**Adams 191/NA**".

Page 4, line 17, delete "NH 193 NA" and insert "**NH193 NA**".

Page 4, line 17, delete "Jefferson, N.H. 190 NA,".

Page 4, line 18, after "B," insert "**Pleasant 461/458**".

Page 4, line 19, after "Elkhart 1," insert "**Elkhart 2**".

Page 8, line 40, after "County:" insert "**Center Ward 14 Precinct 2**".

Page 10, line 40, delete "Perry Precinct 23" and insert "**Perry Precinct 53**".

Page 12, delete lines 13 through 14.

Page 13, line 3, delete "UPON" and insert "NOVEMBER 5, 2002]:".

Page 13, delete lines 4 through 5, begin a new paragraph and insert:
"SECTION 4. [EFFECTIVE JULY 1, 2001] (a) **IC 3-3-5, as added by this act, applies to primary and general elections held after January 1, 2002.**

(b) **This SECTION expires January 1, 2003.**"

(Reference is to HB 1271 as printed April 9, 2001.)

MAHERN

Motion prevailed. The bill was ordered engrossed.

House Bill 1776

Representative Mahern called down House Bill 1776 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1776-4)

Mr. Speaker: I move that House Bill 1776 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning legislative redistricting.

Page 1, line 2, delete "UPON" and insert "JULY 1, 2001]:".

Page 1, delete line 3.

Page 3, line 27, delete "UPON" and insert "JULY 1, 2001]:".

Page 3, delete line 28.

Page 4, line 8, after "MUNSTER 18" insert ", **MUNSTER 23**".

Page 5, line 4, after "Gary 4-26" insert ", **Lake Michigan NV**".

Page 5, line 25, after "WESTCHESTER 3" insert ", **WESTCHESTER 15**".

Page 6, line 1, after "PENN 16" insert ", **PENN 17**".

Page 6, line 24, after "SOUTH BEND 6-22" insert ", **SOUTH BEND 6-24**".

Page 7, line 21, after "2" insert ", **WARREN 3**".

Page 9, line 13, after "MUNSTER 24" insert ", **WHITING 10**".

Page 10, between lines 36 and 37, begin a new line blocked left and insert:

"in Newton County: Lincoln 2".

Page 11, line 22, after "Salem Township" insert ", **Van Buren Township**".

Page 12, delete line 9.

Page 12, line 16, after "Locke 168" insert ", **Union 70**".

Page 12, line 18, delete "W1P1" and insert "**Ward 1 Precinct 1**".

Page 12, line 18, delete "W2P1" and insert "**Ward 2 Precinct 1**".

Page 12, line 19, after "Ward 2, Precinct 2," insert "**Ward 5 Precinct 1**".

Page 12, line 19, delete "Lake".

Page 12, line 20, after "Lake" insert "**NV**".

Page 13, line 6, after "UNION 2" insert ", **UNION 4**".

Page 13, line 27, after "LaPorte 1-1," insert "**LaPorte 1-2, LaPorte 1-3A&B**".

Page 13, line 27, after "LaPorte 3-1," insert "**LaPorte 3-3A&B&C**".

Page 14, between lines 38 and 39, begin a new line blocked left and insert:

"PRECINCTS in Kosciusko County: Seward 1".

Page 15, line 24, delete "W3P2" and insert "**Ward 3, Precinct 2**".

Page 15, line 27, after "Washington Precinct 1" insert ", **Pipe Creek Precinct 3**".

Page 16, line 22, after "Wayne Precinct 69" insert ", **Wayne Precinct 87**".

Page 17, line 6, after "FAIRFIELD 33," insert "**Fairfield 38 (the following parts: STFID 1815700190010232, STFID 1815700190010332, STFID 181570019001022)**".

Page 18, line 1, after "Center 4" insert ", **Clay 3**".

Page 19, line 14, after "WINCHESTER 3" insert ", **WINCHESTER 4**".

Page 20, line 3, after "CENTER PRECINCT 85" insert ", **CENTER PRECINCT 86**".

Page 21, line 2, after "RICHLAND PRECINCT 1," insert "**RICHLAND PRECINCT 1A**".

Page 21, line 6, delete "1-9" and insert "**Ward 1 Precinct 9**".

Page 21, line 8, delete "2-10" and insert "**Ward 2 Precinct 8**".

Page 21, line 8, delete "2-8" and insert "**Ward 2 Precinct 10**".

Page 21, line 9, delete "4-7" and insert "**Ward 4 Precinct 7**".

Page 21, line 12, delete "6-1" and insert "**Ward 6 Precinct 1**".

Page 22, line 29, delete "Guildford 2, Guildford 3," and insert "**Guilford 2, Guilford 3, Guilford 4, Guilford 5, Guilford 13, Guilford 19, Liberty 2**".

Page 22, delete line 30.

Page 22, line 36, after "Sugar Creek Township," insert "**Scott Township**".

Page 22, line 41, delete "SCOTT,".

Page 22, line 42, before "UNION 7," insert "**UNION 6**".

Page 23, line 6, after "FAIRFIELD 37," insert "**FAIRFIELD 38 (except STFID 1815700190010232, STFID 1815700190010332, STFID 181570019001022)**".

Page 24, between lines 16 and 17, begin a new line blocked left and insert:

"in Parke County: Adams 1".

Page 25, line 31, delete "actual".

Page 26, line 29, after "Brown Township," insert "**Buck Creek Township**".

Page 26, line 34, delete "Buck 1, Buck 2, BUCK CREEK 3, Buck 4, BUCK"

Page 26, line 35, delete "CREEK 5,".

Page 27, line 33, delete "HENRY 120" and insert "**HENRY 20**".

Page 27, line 39, after "WAYNE 33" insert ", **WAYNE 34**".

Page 28, line 22, after "FRANKLIN 6," insert "**FRANKLIN 8**".

Page 28, line 25, after "RIVER 23," insert "**WHITE RIVER 25**".

Page 29, line 14, after "COLUMBUS 3350" insert ", **COLUMBUS 3400**".

Page 29, line 17, after "FRANKLIN 12," insert "**FRANKLIN 13**,".

Page 30, line 29, after "SHAWSWICK 10," insert "**SHAWSWICK 12**,".

Page 31, line 13, after "NORTH CENTER" insert ", **SOUTH CENTER**".

Page 31, line 32, after "MONTGOMERY 1," insert "**MONTGOMERY 2**".

Page 32, line 13, after "County:" insert "**Hamilton Township**,".

Page 32, line 21, delete "Hamilton Township Precinct,".

Page 32, line 34, after "County:" insert "**Jackson Township**,".

Page 33, between lines 6 and 7, begin a new line blocked left and insert:

"in Scott County: Jennings Precinct 4 (except STFID 1814396690010112, STFID 181439669001014, STFID 1814396690010182, STFID 181439669001016, STFID 181439668004004, STFID 181439669001013)".

Page 33, line 27, after "OLDENBURG" insert ", **RAY 1**".

Page 34, line 14, after "Otter Creek Township" insert ", **Shelby Township**".

Page 35, between lines 7 and 8, begin a new line blocked left and insert:

"in Harrison County: Blue River South".

Page 35, line 42, after "16A" insert ", **18019xxxxxx**".

Page 36, line 28, delete "Jennings 3" and insert "**Jennings Precinct 3, Jennings Precinct 4 (the following parts: STFID 1814396690010112, STFID 1814396690010182, STFID 181439668004004, STFID 181439669001013, STFID 181439669001014, STFID 181439669001016)".**

Page 37, line 39, after "Evansville Ward 6 Precinct 5," insert "**Evansville Ward 6 Precinct 6**".

Page 37, line 40, after "Evansville Ward 6, Precinct 8," insert "**Evansville Ward 6 Precinct 14**".

Page 38, line 34, after "22" insert "**:18173300150x**".

Page 40, line 24, delete "98G03Wayne 452" and insert "**Wayne 452, B1 City**".

Page 41, line 1, delete "98G01Precinct 414" and insert "**Precinct 414, 415, Wayne 417, Wayne D**".

Page 41, delete line 2.

Page 41, line 27, delete "98G04Adams E City" and insert "**Adams E City, New Haven 4**".

Page 42, line 18, after "Washington Precinct 113" insert ", **Washington Precinct 114**".

Page 43, line 6, delete "hydrology 1" and insert "**Geist Reservoir NV**".

Page 44, line 1, delete "23, Perry 63" and insert "**53, Perry Precinct 63**".

Page 45, delete line 6.

Page 45, line 25, after "Wayne Precinct 86" insert ", **Wayne Precinct 87**".

Page 46, line 21, after "Wayne Precinct 71" insert ", **Wayne Precinct 80**".

Page 49, line 31, delete "110" and insert "**Precinct 110, Washington Precinct 112**".

Page 50, delete lines 21 through 24, begin a new paragraph and insert:

"SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE NOVEMBER 5, 2002]: IC 2-1-6; IC 2-1-8."

Page 50, line 26, delete "UPON" and insert "JULY 1, 2001].":

Page 50, delete line 27.

Page 81, line 21, delete "UPON" and insert "JULY 1, 2001].":

Page 81, delete lines 22 through 23, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2001] (a) IC 2-1-10, as added by this act, and IC 2-1-11, as added by this act, apply to primary and general elections held after January 1, 2002.

(b) This SECTION expires January 1, 2003."

Renumber all SECTIONS consecutively.

(Reference is to HB 1776 as printed April 9, 2001.)

MAHERN

Motion prevailed.

HOUSE MOTION (Amendment 1776-2)

Mr. Speaker: I move that House Bill 1776 be amended to read as follows:

Page 20, line 36, delete "ANDERSON TOWNSHIP PRECINCT 2,".

Page 21, line 8, delete "2-10, WARD 2 PRECINCT 9,".

Page 21, line 9, delete "WARD 3 PRECINCT 5,".

Page 21, between lines 13 and 14, begin a new line blocked left and insert:

"PRECINCTS in Madison County: Union Township Precinct 4, Union Township Precinct 4A".

Page 21, line 30, after "Township" insert "(except Union Township Precinct 4 and Union Township Precinct 4A)".

Page 21, line 31, after "County:" insert "ANDERSON TOWNSHIP PRECINCT 2,".

Page 21, line 33, after "PRECINCT 6," insert "**WARD 2 PRECINCT 9, WARD 2 PRECINCT 10**".

Page 21, line 34, after "PRECINCT 4," insert "**WARD 3 PRECINCT 5**".

(Reference is to HB 1776 as printed April 9, 2001.)

MAHERN

Motion prevailed.

HOUSE MOTION (Amendment 1776-6)

Mr. Speaker: I move that House Bill 1776 be amended to read as follows:

Page 19, line 9, delete "12" and insert "**11**".

Page 19, line 11, delete "77," insert "**61**".

Page 19, line 31, delete "11" and insert "**12**".

Page 20, line 22, delete "61," and insert "**77**".

(Reference is to HB 1776 as printed April 9, 2001.)

MAHERN

Motion prevailed.

HOUSE MOTION (Amendment 1776-7)

Mr. Speaker: I move that House Bill 1776 be amended to read as follows:

Page 6, line 31, after "Township" insert "**Olive Township**".

Page 7, line 7, delete ", WARREN 4".

Page 7, delete line 9.

Page 7, line 21, after "2" insert "**WARREN 4**".

Page 6, line 36, delete "SOUTH BEND 2-4".

Page 6, line 37 delete "SOUTH BEND 2-7,".

Page 6, line 38, delete "SOUTH BEND 2-10,".

Page 7, line 19, after "SOUTH BEND 1-20," insert "**SOUTH BEND 2-4, SOUTH BEND 2-7, SOUTH BEND 2-10**".

(Reference is to HB 1776 as printed APRIL 9, 2001.)

MAHERN

Motion prevailed.

HOUSE MOTION (Amendment 1776-5)

Mr. Speaker: I move that House Bill 1776 be amended to read as follows:

Page 4, line 15, delete "EAST CHICAGO 4-5,".

Page 4, line 27, after "SCHERERVILLE 5," insert "**SCHERERVILLE 6**".

Page 8, line 24, after "GRIFFITH 16," insert "**HAMMOND 5-6**".

Page 8, line 24, after "HAMMOND 5-10," insert "**HAMMOND 5-14**".

Page 8, line 34, delete "SCHERERVILLE 6".

Page 8, line 42, after "EAST CHICAGO 3-6," insert "**EAST CHICAGO 4-5**".

Page 9, line 7, delete "HAMMOND 5-5, HAMMOND" and insert "**HAMMOND 5-5**".

Page 9, line 9, delete "**HAMMOND 5-14**".

Page 18, line 36, after "County:" insert "**Arcadia Southeast Precinct**".

Page 18, line 36, after "Precinct," insert "Atlanta East Precinct,".
 Page 18, line 37, delete "Cicero North,".
 Page 20, line 26, delete "Arcadia Southeast".
 Page 20, line 27, delete "Precinct, Atlanta East Precinct," and insert "**Cicero North Precinct,**".
 Page 30, line 27, after "Township" insert ", Jefferson Township".
 Page 30, delete line 37.
 Page 31, line 12, delete "Marion 2" and insert "**Columbia 1**".
 Page 35, line 3, after "County:" insert "**JEFFERSONVILLE TWP 42,**".
 Page 35, line 5, delete "SILVER CREEK 5,".
 Page 35, delete line 6.
 Page 35, line 40, delete "JEFFERSONVILLE TWP 42," and insert "**SILVER CREEK 5, SILVER CREEK 7,**".
 Page 35, line 40, after "UTICA 2," insert "**UTICA 3,**".
 Page 36, line 18, delete "Jefferson Township,".
 Page 36, line 23, after "Marion 1," insert "**Marion 2,**".
 (Reference is to HB 1776 as printed April 9, 2001.)

MAHERN

Motion prevailed.

HOUSE MOTION (Amendment 1776-1)

Mr. Speaker: I move that House Bill 1776 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the constitutional duties of the general assembly.

Page 1, line 2, delete "UPON" and insert "JULY 1, 2001]:".

Page 1, delete line 3.

Page 3, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 2. IC 2-1-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 10. House Districts; 2001 Plan

Sec. 1. House District 1 consists of the following:

PRECINCTS in Lake County: GRIFFITH 1, GRIFFITH 3, GRIFFITH 4, GRIFFITH 10, GRIFFITH 11, GRIFFITH 13, GRIFFITH 15, HAMMOND 3-3, HAMMOND 3-9, HAMMOND 3-13, HAMMOND 4-1, HAMMOND 4-2, HAMMOND 4-3, HAMMOND 4-5, HAMMOND 4-6, HAMMOND 4-7, HAMMOND 4-8, HAMMOND 4-9, HAMMOND 4-10, HAMMOND 4-11, HAMMOND 4-12, HAMMOND 4-13, HAMMOND 4-14, HAMMOND 4-15, HAMMOND 4-16, HAMMOND 4-18, HAMMOND 5-1, HAMMOND 5-2, HAMMOND 5-4, HAMMOND 5-5, HAMMOND 5-6, HAMMOND 5-7, HAMMOND 5-8, HAMMOND 5-9, HAMMOND 5-10, HAMMOND 5-11, HAMMOND 5-12, HAMMOND 5-13, HAMMOND 5-14, HAMMOND 5-15, HAMMOND 5-17, HAMMOND 6-10, HAMMOND 6-14, HIGHLAND 1, HIGHLAND 2, HIGHLAND 3, HIGHLAND 4, HIGHLAND 5, HIGHLAND 6, HIGHLAND 7, HIGHLAND 8, HIGHLAND 9, HIGHLAND 10, HIGHLAND 11, HIGHLAND 12, HIGHLAND 15, HIGHLAND 16, HIGHLAND 17, HIGHLAND 18, HIGHLAND 19, HIGHLAND 20, HIGHLAND 21, HIGHLAND 23, HIGHLAND 24, HIGHLAND 25

Sec. 2. House District 2 consists of the following:

PRECINCTS in Lake County: EAST CHICAGO 3-3, EAST CHICAGO 3-4, EAST CHICAGO 4-2, EAST CHICAGO 5-6, EAST CHICAGO 6-5, EAST CHICAGO 4-1/1A, EAST CHICAGO 6-1/1A, EAST CHICAGO 6-2/2A, EAST CHICAGO 6-3/3A, EAST CHICAGO 6-4/4A, GARY 2-10, GARY 2-22, GARY 2-24, GARY 3-1, GARY 3-2, GARY 3-3, GARY 3-5, GARY 3-10, GARY 3-11, GARY 3-12, GARY 3-13, GARY 3-14, GARY 3-17, GARY 3-18, GARY 3-19, GARY 3-20, GARY 3-21, GARY 3-24, GARY 3-25, GARY 3-26, GARY 4-3, GARY 4-8, GARY 4-27, GARY 5-1, GARY 5-2, GARY 5-3, GARY 5-4, GARY 5-8, GARY 5-12, GARY 5-13, GARY 5-14, GARY 5-15, GARY 5-16, GARY 5-17, GARY 5-23, GARY 6-5, GARY 6-7, GARY 6-8, GRIFFITH 2, GRIFFITH 12, HAMMOND 3-6, HAMMOND 3-7, HAMMOND 3-10, HAMMOND 3-11, HAMMOND 3-12, HAMMOND 3-14, HAMMOND 3-16, HAMMOND 5-16, HAMMOND 6-1, HAMMOND 6-2, HAMMOND 6-3, HAMMOND

6-4, HAMMOND 6-5, HAMMOND 6-6, HAMMOND 6-7, HAMMOND 6-8, HAMMOND 6-9, HAMMOND 6-12, HAMMOND 6-13, HAMMOND 6-15

Sec. 3. House District 3 consists of the following:

TOWNSHIPS in Porter County: Pine Township

PRECINCTS in Lake County: GARY 1-2, GARY 1-3, GARY 1-4, GARY 1-5, GARY 1-6, GARY 1-7, GARY 1-8, GARY 1-11, GARY 1-12, GARY 1-13, GARY 1-19, GARY 1-20, GARY 1-21, GARY 1-22, GARY 1-23, GARY 1-24, GARY 1-25, GARY 2-1, GARY 2-2, GARY 2-3, GARY 2-4, GARY 2-5, GARY 2-6, GARY 2-7, GARY 2-8, GARY 2-11, GARY 2-12, GARY 2-13, GARY 2-14, GARY 2-15, GARY 2-16, GARY 2-17, GARY 2-18, GARY 2-19, GARY 2-20, GARY 2-21, GARY 2-25, GARY 3-4, GARY 3-6, GARY 3-7, GARY 3-9, GARY 3-15, GARY 3-16, GARY 3-23, GARY 4-1, GARY 4-4, GARY 4-10, GARY 4-23, GARY 4-24, GARY 4-25, GARY 4-26, GARY 5-5, GARY 5-6, GARY 5-7, GARY 5-10, GARY 5-11

in LaPorte County: MICHIGAN CITY 1-2, MICHIGAN CITY 3-1, MICHIGAN CITY 3-2 A&B (COOL & MICH)

in Porter County: PORTAGE 4, PORTAGE 6, PORTAGE 8, PORTAGE 13, PORTAGE 21, PORTAGE 22, PORTAGE 34, WESTCHESTER 2, WESTCHESTER 6, WESTCHESTER 7, WESTCHESTER 8, WESTCHESTER 13, WESTCHESTER 16

BLOCKS in Lake County: Block 1999

in Porter County: Block 0997, Block 0998, Block 1999, Block 3996, Block 3997, Block 3998, Block 3999, Block 2998

Sec. 4. House District 4 consists of the following:

TOWNSHIPS in Porter County: Center Township, Jackson Township, Morgan Township, Washington Township.

PRECINCTS in Porter County: LIBERTY 3, LIBERTY 5, PORTER 1, PORTER 4, WESTCHESTER 1, WESTCHESTER 3, WESTCHESTER 4, WESTCHESTER 9, WESTCHESTER 12, WESTCHESTER 14

BLOCKS in Porter County: Block 3022, Block 3023, Block 5000, Block 5001

Sec. 5. House District 5 consists of the following:

PRECINCTS in Elkhart County: Concord 32, Concord 43, Concord 44, Concord 47, Concord 49, Concord 50, Concord 51, Concord 54, Concord 55, Concord 56, Baugo 74, Baugo 75, 18039PE004x

in St. Joseph County: MISHAWAKA 1-4, MISHAWAKA 1-6, MISHAWAKA 1-7, MISHAWAKA 1-9, MISHAWAKA 2-1, MISHAWAKA 2-2, MISHAWAKA 2-3, MISHAWAKA 2-4, MISHAWAKA 2-8, MISHAWAKA 3-4, MISHAWAKA 3-5, MISHAWAKA 3-6, MISHAWAKA 3-7, MISHAWAKA 4-1, MISHAWAKA 4-8, MISHAWAKA 5-1, MISHAWAKA 5-2, MISHAWAKA 5-3, MISHAWAKA 5-4, MISHAWAKA 5-5, MISHAWAKA 5-6, MISHAWAKA 5-5A, MISHAWAKA 6-1, MISHAWAKA 6-4, MISHAWAKA 6-5, MISHAWAKA 6-8, PENN 1, PENN 2, PENN 4, PENN 5, PENN 6, PENN 7, PENN 11, PENN 15, PENN 16

BLOCKS in St. Joseph County: Block 2999, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2027, Block 2028, Block 2029, Block 2030, Block 2032, Block 2033, Block 2997

Sec. 6. House District 6 consists of the following:

PRECINCTS in St. Joseph County: CLAY 3 / SOUTH BEND 4-17A, SOUTH BEND 4-17/4-22, SOUTH BEND 5-24/24A, PORTAGE 1/1B, SOUTH BEND 4-19/4-24, CENTRE 2, CENTRE 4, CLAY 2, MISHAWAKA 1-1, MISHAWAKA 1-2, MISHAWAKA 6-3, PORTAGE 1 A, SOUTH BEND 1-4, SOUTH BEND 1-6, SOUTH BEND 3-4, SOUTH BEND 3-5, SOUTH BEND 3-6, SOUTH BEND 3-7, SOUTH BEND 3-9, SOUTH BEND 3-10, SOUTH BEND 3-11, SOUTH BEND 3-12, SOUTH BEND 3-13, SOUTH BEND 3-14, SOUTH BEND 3-18, SOUTH BEND 3-22, SOUTH BEND 4-3, SOUTH BEND 4-4, SOUTH BEND 4-6, SOUTH BEND 4-10, SOUTH BEND 4-14, SOUTH BEND 4-15, SOUTH BEND 4-16, SOUTH BEND 4-18, SOUTH BEND 4-20, SOUTH BEND 4-21, SOUTH BEND 4-25, SOUTH BEND 5-8, SOUTH BEND 5-9, SOUTH BEND 5-10, SOUTH BEND 5-11, SOUTH BEND 5-12, SOUTH BEND 5-15, SOUTH BEND 5-16, SOUTH BEND 5-17, SOUTH BEND 5-18, SOUTH BEND 5-19, SOUTH BEND 5-21, SOUTH BEND 5-22, SOUTH BEND 5-24, SOUTH BEND 5-25, SOUTH BEND 5-26,

SOUTH BEND 6-22

BLOCKS in St. Joseph County: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023

Sec. 7. House District 7 consists of the following:

PRECINCTS in St. Joseph County: PORTAGE 2, PORTAGE 3, PORTAGE 6, SOUTH BEND 1-1, SOUTH BEND 1-2, SOUTH BEND 1-5, SOUTH BEND 1-7, SOUTH BEND 1-8, SOUTH BEND 1-9, SOUTH BEND 1-13, SOUTH BEND 1-15, SOUTH BEND 1-16, SOUTH BEND 1-18, SOUTH BEND 1-19, SOUTH BEND 2-1, SOUTH BEND 2-2, SOUTH BEND 2-4, SOUTH BEND 2-7, SOUTH BEND 2-8, SOUTH BEND 2-9, SOUTH BEND 2-2A, SOUTH BEND 2-10, SOUTH BEND 2-11, SOUTH BEND 2-13, SOUTH BEND 2-14, SOUTH BEND 2-17, SOUTH BEND 2-18, SOUTH BEND 2-19, SOUTH BEND 2-20, SOUTH BEND 2-21, SOUTH BEND 2-22, SOUTH BEND 3-3, SOUTH BEND 3-17, SOUTH BEND 3-20, SOUTH BEND 4-7, SOUTH BEND 4-8, SOUTH BEND 4-12, SOUTH BEND 6-7, SOUTH BEND 6-8, SOUTH BEND 6-9, SOUTH BEND 6-11, SOUTH BEND 6-12, SOUTH BEND 6-13, SOUTH BEND 6-15, SOUTH BEND 6-16, SOUTH BEND 6-17, SOUTH BEND 6-18, SOUTH BEND 6-19, SOUTH BEND 6-20, SOUTH BEND 6-21, SOUTH BEND 6-23, WARREN 1, WARREN 2, WARREN 4

Sec. 8. House District 8 consists of the following:

TOWNSHIPS in St. Joseph County: Harris Township

PRECINCTS in St. Joseph County: CLAY 1/1A/15A, CLAY 10 / SOUTH BEND 1-12A, CLAY 4, CLAY 5, CLAY 6, CLAY 7, CLAY 8, CLAY 9, CLAY 11, CLAY 12, CLAY 13, CLAY 14, CLAY 15, CLAY 16, CLAY 17, CLAY 18, CLAY 19, CLAY 20, CLAY 21, CLAY 23, GERMAN 1, GERMAN 3, GERMAN 4, GERMAN 1A, MISHAWAKA 6-6, PENN 10, SOUTH BEND 1-3, SOUTH BEND 1-10, SOUTH BEND 1-12, SOUTH BEND 1-17, SOUTH BEND 1-20

BLOCKS in St. Joseph County: Block 1053, Block 1054, Block 4000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1009, Block 1010, Block 1011, Block 1012, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1093, Block 1102, Block 1103, Block 1998, Block 1999, Block 2000, Block 2001, Block 2003, Block 2004, Block 2005, Block 2006

Sec. 9. House District 9 consists of the following:

TOWNSHIPS in LaPorte County: Cass Township, Clinton Township, Dewey Township, Hanna Township, New Durham Township, Noble Township, Prairie Township, Union Township

PRECINCTS in LaPorte County: LAPORTE 2-3, COOL SPRING - TRAIL CREEK, LAPORTE 3-1, LAPORTE 5-4, LAPORTE 5-1, LAPORTE 5-2, LAPORTE 5-3, MICHIGAN CITY 1-1, MICHIGAN CITY 1-3, MICHIGAN CITY 2-1, MICHIGAN CITY 2-2, MICHIGAN CITY 2-3, MICHIGAN CITY 2-4, MICHIGAN CITY 4-1, MICHIGAN CITY 4-2, MICHIGAN CITY 4-3, MICHIGAN CITY 5-1, MICHIGAN CITY 5-2, MICHIGAN CITY 5-3, MICHIGAN CITY 5-4, MICHIGAN CITY 6-1, MICHIGAN CITY 6-2, COOL SPRING 3, COOL SPRING 2, SCIPIO 1, MICHIGAN CITY 6-3 A&B&C, MICHIGAN 1, MICHIGAN 2, COOL SPRING 4, COOL SPRING 5, MICHIGAN CITY 4-4, COOL SPRING 1

Sec. 10. House District 10 consists of the following:

TOWNSHIPS in Porter County: Union Township

PRECINCTS in Lake County: HOBART CITY 11/11A, HOBART

CITY 4, HOBART CITY 10, HOBART CITY 20, MERRILLVILLE 12, MERRILLVILLE 24

in Porter County: LIBERTY 1, LIBERTY 2, LIBERTY 4, PORTAGE 1, PORTAGE 2, PORTAGE 3, PORTAGE 5, PORTAGE 7, PORTAGE 9, PORTAGE 10, PORTAGE 11, PORTAGE 12, PORTAGE 14, PORTAGE 15, PORTAGE 16, PORTAGE 17, PORTAGE 18, PORTAGE 19, PORTAGE 20, PORTAGE 23, PORTAGE 24, PORTAGE 25, PORTAGE 26, PORTAGE 27, PORTAGE 28, PORTAGE 29, PORTAGE 30, PORTAGE 31, PORTAGE 32, PORTAGE 33, PORTAGE 35, PORTAGE 36, PORTAGE 37, PORTAGE 38, WESTCHESTER 5, WESTCHESTER 10, WESTCHESTER 11, WESTCHESTER 17

BLOCKS in Lake County: Block 2000, Block 2001, Block 2002, Block 2008, Block 2009, Block 2013, Block 2039, Block 2040, Block 2041, Block 2044, Block 2045

Sec. 11. House District 11 consists of the following:

TOWNSHIPS in Boone County: Center Township, Clinton Township, Harrison Township, Jefferson Township, Marion Township, Perry Township, Union Township, Worth Township

PRECINCTS in Boone County: Jackson Township Precinct 1

in Hamilton County: Arbors, Clay Center 2, Clay Northwest, Eagletown Precinct, Hunters Creek Precinct, Joliet Precinct, Lexington, Mount Carmel 1 Precinct, Pleasant Grove Precinct, Rangeline Precinct, Spring Mill 2 Precinct, Spring Mill Pond Precinct, Woodacre/Guilford Precinct, Cedar Lake/Mt. Carmel 2, Stonehedge Precinct, Thistlewood Precinct, Village Farms 1 Precinct, Village Farms 2 Precinct, Washington Central, Westfield East, Westfield Southeast Precinct, Westfield South, Westfield West

BLOCKS in Boone County: Block 1105, Block 1106, Block 1107

Sec. 12. House District 12 consists of the following:

PRECINCTS in Lake County: EAST CHICAGO 1-1, EAST CHICAGO 1-2, EAST CHICAGO 1-3, EAST CHICAGO 1-4, EAST CHICAGO 1-5, EAST CHICAGO 2-1, EAST CHICAGO 2-2, EAST CHICAGO 2-3, EAST CHICAGO 2-4, EAST CHICAGO 2-5, EAST CHICAGO 3-1, EAST CHICAGO 3-2, EAST CHICAGO 3-6, EAST CHICAGO 4-4, EAST CHICAGO 4-5, EAST CHICAGO 5-1, EAST CHICAGO 5-1A, EAST CHICAGO 5-2, EAST CHICAGO 5-3, WHITING 2/2A, WHITING 3/3A/3B, WHITING 5/5A/5B, WHITING 7/7A, WHITING 8/8A/8B, WHITING 9/9A, EAST CHICAGO 5-4/4A, EAST CHICAGO 5-5/5A, EAST CHICAGO 4-3/3A, EAST CHICAGO 3-5/5A, HAMMOND 1-1, HAMMOND 1-2, HAMMOND 1-3, HAMMOND 1-4, HAMMOND 1-5, HAMMOND 1-6, HAMMOND 1-7, HAMMOND 1-8, HAMMOND 1-9, HAMMOND 1-10, HAMMOND 1-11, HAMMOND 1-12, HAMMOND 1-13, HAMMOND 1-14, HAMMOND 1-15, HAMMOND 1-16, HAMMOND 2-2, HAMMOND 2-3, HAMMOND 2-4, HAMMOND 2-5, HAMMOND 2-6, HAMMOND 2-8, HAMMOND 2-9, HAMMOND 2-10, HAMMOND 2-11, HAMMOND 2-12, HAMMOND 2-13, HAMMOND 2-14, HAMMOND 2-15, HAMMOND 2-16, HAMMOND 3-2, HAMMOND 3-4, HAMMOND 3-5, HAMMOND 3-15

BLOCKS in Lake County: Block 3001, Block 1020, Block 1021, Block 1022, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031

Sec. 13. House District 13 consists of the following:

PRECINCTS in Lake County: CALUMET 4, CALUMET 5, CALUMET 6, CALUMET 10, CALUMET 12, HOBART CITY 26/26A, GRIFFITH 7/7A, GRIFFITH 5, GRIFFITH 6, GRIFFITH 8, GRIFFITH 9, GRIFFITH 14, GRIFFITH 16, HOBART TOWNSHIP 6, HOBART CITY 1, HOBART CITY 2, HOBART CITY 3, HOBART CITY 5, HOBART CITY 6, HOBART CITY 7, HOBART CITY 8, HOBART CITY 9, HOBART CITY 12, HOBART CITY 13, HOBART CITY 15, HOBART CITY 16, HOBART CITY 17, HOBART CITY 18, HOBART CITY 19, HOBART CITY 22, HOBART CITY 23, HOBART CITY 24, HOBART CITY 25, HOBART CITY 27, HIGHLAND 13, HIGHLAND 14, HIGHLAND 22, LAKE STATION 12, MERRILLVILLE 1, MERRILLVILLE 2, MERRILLVILLE 4, MERRILLVILLE 5, MERRILLVILLE 6, MERRILLVILLE 8, MERRILLVILLE 14, MERRILLVILLE 15, MERRILLVILLE 16, MERRILLVILLE 17, MERRILLVILLE 21,

MERRILLVILLE 22, MERRILLVILLE 23, MERRILLVILLE 25, MERRILLVILLE 26, MERRILLVILLE 27, MERRILLVILLE 29, MERRILLVILLE 30, MERRILLVILLE 31, MERRILLVILLE 32, SCHERERVILLE 8, SCHERERVILLE 10, SCHERERVILLE 11, SCHERERVILLE 22, ST. JOHN TOWNSHIP 3

Sec. 14. House District 14 consists of the following:

PRECINCTS in Lake County: CALUMET 14, HOBART CITY 21/21A, LAKE STATION 1/1A, LAKE STATION 4/4A, LAKE STATION 7/7A, LAKE STATION 8/8A, LAKE STATION 9/9A, GARY 4-21/21A, GARY 1-9, GARY 1-10, GARY 1-14, GARY 1-15, GARY 1-16, GARY 1-17, GARY 1-18, GARY 4-2, GARY 4-5, GARY 4-9, GARY 4-11, GARY 4-12, GARY 4-13, GARY 4-14, GARY 4-15, GARY 4-16, GARY 4-17, GARY 4-18, GARY 4-19, GARY 4-20, GARY 4-22, GARY 5-18, GARY 5-20, GARY 5-21, GARY 6-1, GARY 6-2, GARY 6-3, GARY 6-4, GARY 6-6, GARY 6-9, GARY 6-10, GARY 6-11, GARY 6-12, GARY 6-13, GARY 6-14, GARY 6-15, GARY 6-16, GARY 6-17, GARY 6-18, GARY 6-19, GARY 6-20, GARY 6-21, GARY 6-22, HOBART TOWNSHIP 5, HOBART TOWNSHIP 8, HOBART CITY 14, LAKE STATION 2, LAKE STATION 5, LAKE STATION 6, LAKE STATION 10, LAKE STATION 11, LAKE STATION 13, LAKE STATION 14, MERRILLVILLE 7, MERRILLVILLE 9, MERRILLVILLE 10, MERRILLVILLE 11, MERRILLVILLE 18, MERRILLVILLE 19, MERRILLVILLE 28, GARY 5-19/19A, LAKE STATION 3/3A

Sec. 15. House District 15 consists of the following:

PRECINCTS in Lake County: DYER 1, DYER 2, DYER 4, DYER 5, DYER 6, DYER 7, DYER 8, DYER 9, DYER 10, DYER 11, DYER 12, DYER 3/3A, MUNSTER 1, MUNSTER 2, MUNSTER 3, MUNSTER 4, MUNSTER 5, MUNSTER 6, MUNSTER 7, MUNSTER 8, MUNSTER 9, MUNSTER 10, MUNSTER 11, MUNSTER 12, MUNSTER 13, MUNSTER 14, MUNSTER 15, MUNSTER 16, MUNSTER 17, MUNSTER 18, MUNSTER 19, MUNSTER 20, MUNSTER 21, MUNSTER 22, MUNSTER 23, MUNSTER 24, SCHERERVILLE 1, SCHERERVILLE 2, SCHERERVILLE 3, SCHERERVILLE 4, SCHERERVILLE 5, SCHERERVILLE 6, SCHERERVILLE 7, SCHERERVILLE 9, SCHERERVILLE 13, SCHERERVILLE 14, SCHERERVILLE 15, SCHERERVILLE 16, SCHERERVILLE 19, SCHERERVILLE 21, SCHERERVILLE 23, ST. JOHN TOWNSHIP 1, ST. JOHN TOWNSHIP 2, ST. JOHN TOWNSHIP 4, ST. JOHN TOWNSHIP 5, ST. JOHN TOWN 1, ST. JOHN TOWN 2, ST. JOHN TOWN 3, ST. JOHN TOWN 3A, ST. JOHN TOWN 4

BLOCKS in Lake County: Block 2028, Block 2019, Block 2020, Block 2021, Block 2023, Block 2024, Block 2025, Block 2026, Block 2029, Block 2030, Block 2031, Block 2032, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2041, Block 2042, Block 2043

Sec. 16. House District 16 consists of the following:

COUNTIES: Jasper County

TOWNSHIPS in Lake County: Eagle Creek Township, Winfield Township

in Porter County: Boone Township, Pleasant Township

in Pulaski County: Jefferson Township, Monroe Township, Salem Township, White Post Township

PRECINCTS in Porter County: PORTER 2, PORTER 3, PORTER 5, PORTER 6

Sec. 17. House District 17 consists of the following:

COUNTIES: Starke County

TOWNSHIPS in Marshall County: Center Township, Green Township, North Township, Polk Township, Tippecanoe Township, Union Township, Walnut Township, West Township

in Pulaski County: Cass Township, Franklin Township, Rich Grove Township, Tippecanoe Township

BLOCKS in Pulaski County: Block 1055

Sec. 18. House District 18 consists of the following:

TOWNSHIPS in Kosciusko County: Etna Township, Plain Township, Prairie Township, Turkey Creek Township, Van Buren Township, Wayne Township

in Marshall County: Bourbon Township

PRECINCTS in Kosciusko County: Harrison 1, Harrison 3, Jefferson 3

in Marshall County: GERMAN 1, GERMAN 2, GERMAN 4, GERMAN 5

Sec. 19. House District 19 consists of the following:

TOWNSHIPS in Lake County: Center Township

PRECINCTS in Lake County: CEDAR CREEK 1, CEDAR CREEK TOWNSHIP 2, CEDAR CREEK TOWNSHIP 3, CEDAR CREEK TOWNSHIP 5, CEDAR CREEK TOWNSHIP 6, CEDAR CREEK TOWNSHIP 7, CEDAR CREEK TOWNSHIP 8, CEDAR CREEK TOWNSHIP 9, CEDAR LAKE 2, CEDAR LAKE 3, CEDAR LAKE 5, CEDAR LAKE 7, CROWN POINT 1, CROWN POINT 10, CROWN POINT 11B, CROWN POINT 17, CROWN POINT 18, HANOVER TOWNSHIP 1, MERRILLVILLE 3, MERRILLVILLE 13, SCHERERVILLE 12, SCHERERVILLE 17, SCHERERVILLE 18, SCHERERVILLE 18A, SCHERERVILLE 20, SCHERERVILLE 24, ST JOHN TOWNSHIP 6, ST JOHN TOWNSHIP 7, ST JOHN TOWNSHIP 8, WEST CREEK TOWNSHIP 4

BLOCKS in Lake County: Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2031, Block 2032, Block 2033, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 6007, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6027, Block 6028

Sec. 20. House District 20 consists of the following:

TOWNSHIPS in LaPorte County: Galena Township, Hudson Township, Johnson Township, Kankakee Township, Lincoln Township, Pleasant Township, Springfield Township, Washington Township, Wills Township

in St. Joseph County: Greene Township, Liberty Township, Lincoln Township, Olive Township

PRECINCTS in LaPorte County: LAPORTE 1-1, LAPORTE 2-1, LAPORTE 2-2, CENTER 3, LAPORTE 3-2, LAPORTE 4-1, LAPORTE 4-3, LONG BEACH 1, CENTER 2, CENTER - PINE LAKE, SCIPIO 2, CENTER 1, MICHIANA SHORES, LONG BEACH 2

in St. Joseph County: CENTRE 1 / SOUTH BEND 6-25, CENTRE 3, CENTRE 6, CENTRE 8

BLOCKS in LaPorte County: Block 1029, Block 2033, Block 1027, Block 1031, Block 1032, Block 1033, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1998, Block 1999, Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2024, Block 2032, Block 2033, Block 1002, Block 1003, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1026, Block 2003, Block 2004, Block 2005, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 3009, Block 3010, Block 3011, Block 3012, Block 3014, Block 3015, Block 3016, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021

Sec. 21. House District 21 consists of the following:
TOWNSHIPS in Elkhart County: Locke Township, Olive Township, Union Township
 in Kosciusko County: Scott Township
 in St. Joseph County: Madison Township, Union Township
PRECINCTS in Elkhart County: Concord 48, Concord 52, Concord 57, Concord 58, Concord 59, Concord 60, Baugo 73, Harrison 84, Concord 112, Concord 119, Concord 121
 in Kosciusko County: Jefferson 1, Jefferson 2
 in Marshall County: GERMAN 3
 in St. Joseph County: MISHAWAKA 4-3 / PENN 13, MISHAWAKA 1-8, MISHAWAKA 2-5, MISHAWAKA 2-6, MISHAWAKA 2-7, MISHAWAKA 3-1, MISHAWAKA 3-2, MISHAWAKA 4-2, MISHAWAKA 4-4, MISHAWAKA 4-5, MISHAWAKA 4-6, MISHAWAKA 4-7, MISHAWAKA 4-9, PENN 3, PENN 8, PENN 9, PENN 14, SOUTH BEND 5-23, SOUTH BEND 5-27
BLOCKS in Elkhart County: Block 2032, Block 3013, Block 3014, Block 3033

Sec. 22. House District 22 consists of the following:
COUNTIES: Wabash County
TOWNSHIPS in Grant County: Richland Township
 in Huntington County: Dallas Township, Polk Township, Warren Township
 in Kosciusko County: Clay Township, Franklin Township, Jackson Township, Lake Township, Monroe Township, Seward Township, Tippecanoe Township, Washington Township
PRECINCTS in Grant County: Pleasant 1
 in Kosciusko County: Harrison 2

Sec. 23. House District 23 consists of the following:
COUNTIES: Fulton County, Miami County
TOWNSHIPS in Howard County: Jackson Township
 in Pulaski County: Beaver Township, Harrison Township, Indian Creek Township, Van Buren Township
PRECINCTS in Howard County: Liberty 1

Sec. 24. House District 24 consists of the following:
COUNTIES: Carroll County, Cass County

Sec. 25. House District 25 consists of the following:
COUNTIES: Benton County, Newton County, White County
TOWNSHIPS in Warren County: Adams Township, Jordan Township, Liberty Township, Medina Township, Pine Township, Prairie Township, Warren Township
PRECINCTS in Lake County: CEDAR CREEK TOWNSHIP 4, WEST CREEK TOWNSHIP 1/1A, HANOVER TOWNSHIP 2, ST JOHN TOWN 5, ST. JOHN TOWN 5A, WEST CREEK TOWNSHIP 2, WEST CREEK TOWNSHIP 3

Sec. 26. House District 26 consists of the following:
TOWNSHIPS in Tippecanoe County: Shelby Township, Tippecanoe Township, Wabash Township
BLOCKS in Tippecanoe County: Block 3038, Block 3038, Block 3038, Block 3038, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3039, Block 3040, Block 3041, Block 3996, Block 3999, Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030, Block 4031, Block 4032, Block 4033, Block 4034, Block 4035, Block 4036, Block 4037, Block 4038, Block 4039, Block 4040, Block 4041, Block 4042, Block 4043, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057, Block 4058, Block 4059, Block 4060, Block 4061, Block 4062, Block 4063, Block 4064, Block 4065, Block 4066, Block 4067, Block 4068, Block 4069, Block 4070, Block 4071, Block 4072, Block 4073, Block 4074, Block 4075, Block 4076, Block 4077, Block 4078, Block 5031, Block 5032, Block 5034, Block 5035, Block 5036, Block 5039

Sec. 27. House District 27 consists of the following:
PRECINCTS in Tippecanoe County: FAIRFIELD 1, FAIRFIELD 2,

FAIRFIELD 3, FAIRFIELD 39, FAIRFIELD 4, FAIRFIELD 5, FAIRFIELD 6, FAIRFIELD 7, FAIRFIELD 8, FAIRFIELD 9, FAIRFIELD 10, FAIRFIELD 11, FAIRFIELD 12, FAIRFIELD 13, FAIRFIELD 14, FAIRFIELD 15, FAIRFIELD 16, FAIRFIELD 17, FAIRFIELD 18, FAIRFIELD 19, FAIRFIELD 20, FAIRFIELD 21, FAIRFIELD 22, FAIRFIELD 23, FAIRFIELD 24, FAIRFIELD 25, FAIRFIELD 26, FAIRFIELD 27, FAIRFIELD 29, FAIRFIELD 30, FAIRFIELD 31, FAIRFIELD 32, FAIRFIELD 33, FAIRFIELD 34, FAIRFIELD 35, FAIRFIELD 36, FAIRFIELD 37, FAIRFIELD 38, FAIRFIELD 40, FAIRFIELD 41, FAIRFIELD 42, WEA 2, WEA 4, WEA 6, WEA 7, WEA 8, WEA 10, WEA 12, WEA 13, WEA 14

Sec. 28. House District 28 consists of the following:
TOWNSHIPS in Hendricks County: Center Township, Clay Township, Eel River Township, Franklin Township, Liberty Township, Marion Township, Middle Township, Union Township
 in Morgan County: Brown Township, Gregg Township, Monroe Township
PRECINCTS in Boone County: Jackson Township Precinct 2, Jackson Township Precinct 3
 in Hendricks County: Guilford 1, Guildford 4, Guildford 6, Guildford 7, Guildford 9, Guilford 14, Guilford 16
BLOCKS in Hendricks County: Block 2033, Block 2034
 in Morgan County: Block 3029

Sec. 29. House District 29 consists of the following:
TOWNSHIPS in Hamilton County: Noblesville Township, Wayne Township
PRECINCTS in Hamilton County: Deming Precinct, Fall Creek 2 Precinct, Fall Creek 3 Precinct, Horton, Delaware 1& 2, Strawtown Precinct, Washington East, Fall Creek 5 Precinct, Fall Creek 6 Precinct, Fall Creek 7 Precinct, Fall Creek 8 Precinct, Fall Creek 9 Precinct, Delaware 17 Precinct, Delaware 18
BLOCKS in Hamilton County: Block 1004, Block 1005

Sec. 30. House District 30 consists of the following:
TOWNSHIPS in Howard County: Howard Township
PRECINCTS in Howard County: Center 11, Center 12, Center 13, Center 14, Center 21, Center 22, Center 23, Center 33, Center 25, Center 31, Center 32, Center 24, Center 34, Center 41, Center 35, Center 42, Center 43, Center 44, Center 45, Center 51, Center 52, Center 53, Center 54, Center 55, Harrison 56-1, taylor/kokomo/57, Center 61, Center 62, Center 63, Center 64, Center 65, Center 66, Harrison 67, Center 1, Center 3, Center 4, Harrison 56-2, Clay 3, Taylor 1, Taylor 3, Taylor 4, Taylor 5, Taylor 6

Sec. 31. House District 31 consists of the following:
COUNTIES: Blackford County
TOWNSHIPS in Grant County: Monroe Township, Van Buren Township
 in Huntington County: Jackson Township, Jefferson Township, Lancaster Township, Rock Creek Township, Salamonie Township, Union Township, Wayne Township
PRECINCTS in Grant County: Center 1, Center 2, Center 3, Center 4, Center 5, Center 6, Center 7, Center 8, Center 9, Center 10, Center 11, Center 12, Center 13, Center 14, Center 15, Center 16, Center 17, Center 18, Center 19, Pleasant 3, Pleasant 6, Pleasant 7, Washington 1, Washington 2, Washington 3, Washington 4

Sec. 32. House District 32 consists of the following:
TOWNSHIPS in Grant County: Fairmount Township, Franklin Township, Green Township, Jefferson Township, Liberty Township, Mill Township, Sims Township
 in Howard County: Union Township
 in Madison County: Boone Township, Duck Creek Township, Van Buren Township
 in Tipton County: Cicero Township, Liberty Township, Madison Township, Wildcat Township
PRECINCTS in Grant County: Pleasant 2, Pleasant 4, Pleasant 5
 in Howard County: Liberty 2, Liberty 3, Liberty 4, Taylor 2
 in Madison County: MONROE 6
BLOCKS in Grant County: Block 1063

Sec. 33. House District 33 consists of the following:
COUNTIES: Jay County, Randolph County
TOWNSHIPS in Delaware County: Delaware Township, Niles Township

in Wayne County: Dalton Township, Franklin Township, Green Township, New Garden Township, Perry Township

PRECINCTS in Delaware County: LIBERTY PRECINCT 64

BLOCKS in Wayne County: Block 4024

Sec. 34. House District 34 consists of the following:

PRECINCTS in Delaware County: CENTER PRECINCT 1, CENTER PRECINCT 3, CENTER PRECINCT 4, CENTER PRECINCT 5, CENTER PRECINCT 6, CENTER PRECINCT 7, CENTER PRECINCT 9, CENTER PRECINCT 11, CENTER PRECINCT 12, CENTER PRECINCT 13, CENTER PRECINCT 14, CENTER PRECINCT 15, CENTER PRECINCT 16, CENTER PRECINCT 17, CENTER PRECINCT 18, CENTER PRECINCT 19, CENTER PRECINCT 20, CENTER PRECINCT 21, CENTER PRECINCT 22, CENTER PRECINCT 23, CENTER PRECINCT 24, CENTER PRECINCT 25, CENTER PRECINCT 26, CENTER PRECINCT 27, CENTER PRECINCT 28, CENTER PRECINCT 29, CENTER PRECINCT 30, CENTER PRECINCT 31, CENTER PRECINCT 32, CENTER PRECINCT 33, CENTER PRECINCT 34, CENTER PRECINCT 35, CENTER PRECINCT 37, CENTER PRECINCT 38, CENTER PRECINCT 39, CENTER PRECINCT 40, CENTER PRECINCT 41, CENTER PRECINCT 42, CENTER PRECINCT 43, CENTER PRECINCT 44, CENTER PRECINCT 45, CENTER PRECINCT 46, CENTER PRECINCT 48, CENTER PRECINCT 79, CENTER PRECINCT 80, CENTER PRECINCT 82, CENTER PRECINCT 83, CENTER PRECINCT 85

BLOCKS in Delaware County: Block 1004, Block 1005, Block 1015, Block 1016, Block 3007, Block 3008, Block 3018, Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1008, Block 1009, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 2002, Block 2003, Block 2005, Block 2007, Block 2008

Sec. 35. House District 35 consists of the following:

TOWNSHIPS in Delaware County: Hamilton Township, Harrison Township, Mount Pleasant Township, Union Township, Washington Township

PRECINCTS in Delaware County: CENTER PRECINCT 2, CENTER PRECINCT 8, CENTER PRECINCT 10, CENTER PRECINCT 36, CENTER PRECINCT 47, CENTER PRECINCT 49, CENTER PRECINCT 50, CENTER PRECINCT 84

in Madison County: MONROE 1, MONROE PRECINCT 2, MONROE PRECINCT 3, MONROE PRECINCT 4, MONROE 5, MONROE PRECINCT 6, MONROE 7, MONROE PRECINCT 8, PIPE CREEK PRECINCT 1, PIPE CREEK 2, PIPE CREEK 3, PIPE CREEK 4, PIPE CREEK 5, PIPE CREEK 6, PIPE CREEK PRECINCT 7, PIPE CREEK PRECINCT 8, PIPE CREEK 9, PIPE CREEK 10, PIPE CREEK PRECINCT 11, PIPE CREEK 13, PIPE CREEK PRECINCT 14

Sec. 36. House District 36 consists of the following:

TOWNSHIPS in Delaware County: Salem Township

in Madison County: Adams Township, Green Township, Jackson Township, Lafayette Township, Richland Township, Stony Creek Township, Union Township

PRECINCTS in Hamilton County: Arcadia North Precinct, Arcadia Southeast Precinct, Arcadia Southwest Precinct, Aroma Precinct, Atlanta East Precinct, Atlanta West Precinct, Cicero North, Cicero South Precinct, Cicero SE, Cicero Southwest Precinct, Omega Precinct

in Madison County: ANDERSON TOWNSHIP PRECINCT 1, PIPE CREEK PRECINCT 12, WARD 1 PRECINCT 1, WARD 1 PRECINCT 1A, WARD 1 PRECINCT 2, WARD 1 PRECINCT 3, WARD 1 PRECINCT 8, 1-9, WARD 5 PRECINCT 2, WARD 5 PRECINCT 3, WARD 5 PRECINCT 4, WARD 5 PRECINCT 4A, WARD 5 PRECINCT 5, WARD 5 PRECINCT 6

BLOCKS in Madison County: Block 1012

Sec. 37. House District 37 consists of the following:

TOWNSHIPS in Madison County: Fall Creek Township

PRECINCTS in Madison County: ANDERSON TOWNSHIP PRECINCT 2, ANDERSON TOWNSHIP PRECINCT 3,

ANDERSON TOWNSHIP PRECINCT 4, WARD 1 PRECINCT 4, WARD 1 PRECINCT 5, WARD 1 PRECINCT 6, WARD 1 PRECINCT 7, WARD 2 PRECINCT 1, WARD 2 PRECINCT 2, WARD 2 PRECINCT 3, WARD 2 PRECINCT 4, WARD 2 PRECINCT 5, WARD 2 PRECINCT 6, WARD 2 PRECINCT 7, 2-10, WARD 2 PRECINCT 9, 2-8, WARD 2 PRECINCT 11, WARD 3 PRECINCT 1, WARD 3 PRECINCT 2, WARD 3 PRECINCT 3, WARD 3 PRECINCT 4, WARD 3 PRECINCT 5, WARD 3 PRECINCT 6, WARD 3 PRECINCT 7, WARD 3 PRECINCT 7A, WARD 3 PRECINCT 8, WARD 3 PRECINCT 9, WARD 3 PRECINCT 10, WARD 4 PRECINCT 1, 4-2, WARD 4 PRECINCT 3, WARD 4 PRECINCT 4, WARD 4 PRECINCT 5, WARD 4 PRECINCT 6, 4-7, WARD 5 PRECINCT 1, WARD 5 PRECINCT 7, 6-1, WARD 6 PRECINCT 2, WARD 6 PRECINCT 3, WARD 6 PRECINCT 4, WARD 6 PRECINCT 5, WARD 6 PRECINCT 6, WARD 6 PRECINCT 7, 6-8, WARD 6 PRECINCT 9

Sec. 38. House District 38 consists of the following:

COUNTIES: Clinton County

TOWNSHIPS in Boone County: Sugar Creek Township

in Hamilton County: Adams Township

in Howard County: Ervin Township, Honey Creek Township, Monroe Township

in Tipton County: Jefferson Township, Prairie Township

PRECINCTS in Boone County: Washington Township Precinct

in Howard County: Center 2, Center 5, Clay 1, Clay 2, Harrison 1, Harrison 2, Harrison 3, Harrison 4

BLOCKS in Tipton County: Block 2011

Sec. 39. House District 39 consists of the following:

PRECINCTS in Hamilton County: Blue Creek, Brentwood, Briar Creek Precinct, Brookfield Crossing, Brookshire Precinct 1, Brookshire Precinct 2, Brookshire North Precinct, Carmel Meadows Precinct, Clay northeast, Cool Creek North, Cool Creek South, Copperwood, Daniel Warren Precinct, Delaware 3, Delaware 4, Delaware 5, Delaware 6, Delaware 7, Delaware 8, Delaware 9, Delaware 10, Delaware 11, Delaware 12, Delaware 13, Delaware 14, Delaware 15, Delaware 16, Eden Brook 1 Precinct, Eden Brook 2 Precinct, Hazel Dell, Greensprings Precinct, Holaday 1 Precinct, Holaday 2 Precinct, Hunters Trace Precinct, Johnson Acres Precinct, Keystone Precinct, Kingswood Precinct 1, Kingswood Precinct 2, Bay Hill, Lady Hamilton Precinct, Lakewood Precinct, Mohawk Hills Precinct, Northridge, Orchard Park Precinct, Richland, College & Meridian, Waterford Precinct, White Chapel, Woodfield Precinct, Cherry Tree Precinct, Woodgate Precinct, Woodland Precinct, Delaware 19

Sec. 40. House District 40 consists of the following:

TOWNSHIPS in Hendricks County: Brown Township, Lincoln Township, Washington Township

PRECINCTS in Hendricks County: Guilford 2, Guilford 3, Guilford 5, Guilford 10, Guilford 11, Guilford 13, Guilford 18, Guilford 19

BLOCKS in Hendricks County: Block 1044, Block 1045, Block 1046

Sec. 41. House District 41 consists of the following:

TOWNSHIPS in Montgomery County: Coal Creek Township, Franklin Township, Madison Township, Ripley Township, Sugar Creek Township, Union Township, Walnut Township, Wayne Township

in Tippecanoe County: Jackson Township, Lauramie Township, Perry Township, Randolph Township, Sheffield Township, Union Township, Washington Township

PRECINCTS in Tippecanoe County: FAIRFIELD 28, WEA 1, WEA 3, WEA 5, WEA 9, WEA 11

BLOCKS in Montgomery County: Block 2042, Block 2043, Block 2044

Sec. 42. House District 42 consists of the following:

COUNTIES: Fountain County, Parke County, Vermillion County

TOWNSHIPS in Vigo County: Fayette Township

in Warren County: Kent Township, Mound Township, Pike Township, Steuben Township, Washington Township

PRECINCTS in Montgomery County: 1810700006x

in Vigo County: Otter Creek C

BLOCKS in Vigo County: Block 6000, Block 6001, Block 6002,

Block 6003, Block 6004, Block 7005, Block 7006, Block 7007, Block 7008, Block 7009, Block 7010, Block 7011

Sec. 43. House District 43 consists of the following:

TOWNSHIPS in Vigo County: Lost Creek Township

PRECINCTS in Vigo County: Harrison 1-A, Harrison 1-C, Harrison 1-D, Harrison 1-F, Harrison 2-B, Harrison 2-C, Harrison 2-E, Harrison 2-F, Harrison 2-H, Harrison 2-I, Harrison 2-J, Harrison 3-B, Harrison 3-C, Harrison 3-E, Harrison 3-F, Harrison 3-G, Harrison 3-H, Harrison 3-I, Harrison 3-J, Harrison 3-K, Harrison 4-A, Harrison 4-B, Harrison 4-D, Harrison 4-F, Harrison 4-G, Harrison 5-A, Harrison 5-B, Harrison 5-C, Harrison 5-D, Harrison 5-G, Harrison 5-H, Harrison 5-I, Harrison 6-A, Harrison 6-B, Harrison 6-C, Harrison 6-D, Harrison 6-E, Harrison 6-F, Harrison 7-A, Harrison 7-B, Harrison 7-C, Harrison 7-D, Harrison 7-E, Harrison 7-F, Harrison 7-G, Harrison 7-I, Harrison 7-J, Harrison 7-K, Harrison 8-A, Harrison 8-B, Harrison 8-C, Harrison 8-D, Harrison 8-E, Harrison 8-F, Harrison 8-H

BLOCKS in Vigo County: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006

Sec. 44. House District 44 consists of the following:

COUNTIES: Putnam County

TOWNSHIPS in Clay County: Brazil Township, Dick Johnson Township, Van Buren Township

in Montgomery County: Brown Township, Clark Township

PRECINCTS in Clay County: Jackson 3

in Montgomery County: SCOTT

in Parke County: 1812100940x

in Vigo County: Nevins A, Otter Creek A, Otter Creek D, Otter Creek E, Otter Creek G, Otter Creek H

Sec. 45. House District 45 consists of the following:

COUNTIES: Sullivan County

TOWNSHIPS in Greene County: Smith Township, Stafford Township, Stockton Township, Wright Township

in Knox County: Busseron Township, Harrison Township, Palmyra Township, Steen Township, Vigo Township, Washington Township, Widner Township

in Vigo County: Prairie Creek Township, Prairieon Township, Sugar Creek Township

PRECINCTS in Vigo County: Harrison 1-G

Sec. 46. House District 46 consists of the following:

COUNTIES: Owen County

TOWNSHIPS in Clay County: Cass Township, Harrison Township, Lewis Township, Perry Township, Posey Township, Sugar Ridge Township, Washington Township

in Morgan County: Adams Township, Ashland Township

in Vigo County: Honey Creek Township, Linton Township, Pierson Township, Riley Township

PRECINCTS in Clay County: Jackson Precinct 1, Jackson 2

in Greene County: 1805500070x

in Vigo County: Harrison 1-H, Nevins C

BLOCKS in Vigo County: Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3024, Block 3025, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 1000, Block 1001, Block 1002, Block 1003, Block 1038, Block 1039, Block 1040, Block 1041, Block 1043, Block 8024, Block 8025, Block 8026, Block 8032, Block 9000, Block 9001, Block 9002, Block 9003, Block 9004, Block 9005, Block 9006, Block 9007, Block 9008, Block 9009

Sec. 47. House District 47 consists of the following:

TOWNSHIPS in Johnson County: Union Township

in Morgan County: Baker Township, Clay Township, Green Township, Harrison Township, Jackson Township, Jefferson Township, Ray Township, Washington Township

PRECINCTS in Johnson County: FRANKLIN 1, FRANKLIN 10, NEEDHAM1, WHITE RIVER 2, WHITE RIVER 5, WHITE RIVER 7, WHITE RIVER 8, WHITE RIVER 9, WHITE RIVER 11, WHITE

RIVER 13, WHITE RIVER 15, WHITE RIVER 17, WHITE RIVER 18, WHITE RIVER 19, WHITE RIVER 20, WHITE RIVER 21, WHITE RIVER 22, WHITE RIVER 23, WHITE RIVER 25, WHITE RIVER 27

BLOCKS in Johnson County: Block 1006, Block 2010, Block 2046, Block 2051, Block 2052, Block 2060, Block 2061, Block 2065, Block 2053, Block 2054, Block 2055, Block 2056, Block 2057, Block 2058, Block 2059, Block 2062, Block 2066, Block 2067, Block 2068, Block 2069, Block 2070

Sec. 48. House District 48 consists of the following:

TOWNSHIPS in Elkhart County: Cleveland Township, Osolo Township

PRECINCTS in Elkhart County: Concord 25, Concord 26, Concord 27, Concord 30, Concord 34, Concord 35, Concord 36, Concord 41, Concord 42, Concord 45, Concord 46, Concord 61, Concord 62, Baugo 76, Concord 111, Concord 113, Concord 116

BLOCKS in Elkhart County: Block 3051, Block 3998, Block 3013, Block 3014, Block 6999, Block 6999, Block 3000, Block 3999

Sec. 49. House District 49 consists of the following:

TOWNSHIPS in Elkhart County: Elkhart Township, Jackson Township, Jefferson Township, Middlebury Township, Washington Township, York Township

BLOCKS in Elkhart County: Block 2002

Sec. 50. House District 50 consists of the following:

COUNTIES: Whitley County

TOWNSHIPS in Huntington County: Clear Creek Township, Huntington Township

in Noble County: Green Township, Noble Township, Washington Township

BLOCKS in Noble County: Block 1036, Block 1037, Block 1042, Block 1043, Block 1997, Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1998, Block 1999, Block 2040, Block 4000, Block 4001, Block 4028, Block 4029, Block 4063, Block 4064, Block 4065, Block 4066, Block 4067, Block 4068, Block 4999, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1023, Block 1024, Block 1986

Sec. 51. House District 51 consists of the following:

COUNTIES: Steuben County

TOWNSHIPS in DeKalb County: Fairfield Township, Franklin Township, Grant Township, Jackson Township, Smithfield Township, Stafford Township, Troy Township, Union Township, Wilmington Township

BLOCKS in DeKalb County: Block 1044, Block 1045

Sec. 52. House District 52 consists of the following:

COUNTIES: LaGrange County

TOWNSHIPS in Elkhart County: Benton Township, Clinton Township

in Noble County: Albion Township, Elkhart Township, Orange Township, Perry Township, Sparta Township, York Township

BLOCKS in Noble County: Block 4025, Block 4026, Block 4027

Sec. 53. House District 53 consists of the following:

COUNTIES: Hancock County

PRECINCTS in Hamilton County: Fall Creek 1 Precinct, Fall Creek 4 Precinct, Fall Creek 10 Precinct, Fall Creek 11 Precinct, hydrology 1

BLOCKS in Shelby County: Block 2004

Sec. 54. House District 54 consists of the following:

COUNTIES: Henry County

TOWNSHIPS in Delaware County: Monroe Township, Perry

Township

PRECINCTS in Delaware County: LIBERTY PRECINCT 63, LIBERTY PRECINCT 75, LIBERTY PRECINCT 76

in Wayne County: JEFFERSON 1, JEFFERSON 2, JEFFERSON 3

Sec. 55. House District 55 consists of the following:

COUNTIES: Fayette County, Franklin County, Union County

TOWNSHIPS in Rush County: Center Township, Jackson Township, Ripley Township, Union Township, Washington Township

PRECINCTS in Rush County: 1813900016x

in Wayne County: JACKSON 1

BLOCKS in Rush County: Block 1002

Sec. 56. House District 56 consists of the following:

TOWNSHIPS in Wayne County: Abington Township, Boston Township, Center Township, Clay Township, Harrison Township, Washington Township, Wayne Township, Webster Township

PRECINCTS in Wayne County: JACKSON 2, JACKSON 3, JACKSON 4

Sec. 57. House District 57 consists of the following:

COUNTIES: Shelby County

TOWNSHIPS in Johnson County: Blue River Township

in Rush County: Posey Township, Rushville Township, Walker Township

PRECINCTS in Bartholomew County: CLAY 3500, FLATROCK 3800

Sec. 58. House District 58 consists of the following:

TOWNSHIPS in Johnson County: Clark Township

PRECINCTS in Johnson County: FRANKLIN 2, FRANKLIN 3, FRANKLIN 4, FRANKLIN 5, FRANKLIN 6, FRANKLIN 7, FRANKLIN 8, FRANKLIN 9, FRANKLIN 11, FRANKLIN 12, FRANKLIN 13, FRANKLIN 14, FRANKLIN 15, NEEDHAM 2, NEEDHAM 3, NEEDHAM 4, PLEASANT 1, PLEASANT 2

Sec. 59. House District 59 consists of the following:

TOWNSHIPS in Bartholomew County: Camp Atterbury UT, Columbus Township, German Township, Harrison Township, Jackson Township, Ohio Township, Wayne Township

PRECINCTS in Bartholomew County: CLAY 3550, CLAY 3600, CLAY 3650, FLATROCK 3850, SAND CREEK 5300

BLOCKS in Bartholomew County: Block 1999

Sec. 60. House District 60 consists of the following:

TOWNSHIPS in Monroe County: Bean Blossom Township, Benton Township, Clear Creek Township, Indian Creek Township, Polk Township, Richland Township, Salt Creek Township

PRECINCTS in Lawrence County: MARSHALL 2

in Monroe County: Perry Precinct 7, Perry Precinct 8, Perry Precinct 9, Perry Precinct 10, Perry Precinct 11, Perry Precinct 12, Perry Precinct 13, Perry Precinct 16, Perry Precinct 17, Perry Precinct 18, Perry Precinct 20, Perry Precinct 23, Perry Precinct 25, Perry Precinct 26, Perry Precinct 27, Perry Precinct 29, Perry Precinct 30, Perry Precinct 32, Van Buren Precinct 1, Van Buren Precinct 2, Van Buren Precinct 3, Van Buren Precinct 4, Van Buren Precinct 5, Van Buren Precinct 6, Van Buren Precinct 7, Van Buren Precinct 8

Sec. 61. House District 61 consists of the following:

TOWNSHIPS in Monroe County: Bloomington Township, Washington Township

PRECINCTS in Monroe County: Perry Precinct 1, Perry Precinct 2, Perry Precinct 3, Perry Precinct 4, Perry Precinct 5, Perry Precinct 6, Perry Precinct 14, Perry Precinct 15, Perry Precinct 19, Perry Precinct 21, Perry Precinct 22, Perry Precinct 24, Perry Precinct 28, Perry Precinct 31, Perry Precinct 33

Sec. 62. House District 62 consists of the following:

TOWNSHIPS in Greene County: Beech Creek Township, Cass Township, Center Township, Fairplay Township, Grant Township, Highland Township, Jackson Township, Jefferson Township, Richland Township, Taylor Township, Washington Township

in Lawrence County: Bono Township, Indian Creek Township, Marion Township, Perry Township, Spice Valley Township

in Martin County: Center Township, Halbert Township, Lost River Township, Mitcheltree Township

in Orange County: French Lick Township, Jackson Township, Northeast Township, Northwest Township, Orangeville Township,

Orleans Township, Stampers Creek Township

PRECINCTS in Lawrence County: SHAWSWICK 13, SHAWSWICK 15, MARSHALL 1, MARSHALL 3

in Martin County: CRANE, CRANE VILLAGE

BLOCKS in Lawrence County: Block 3041, Block 3042, Block 3045, Block 4004, Block 5001, Block 5009, Block 5011, Block 5012, Block 5014, Block 5017, Block 3046, Block 3047, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030, Block 4031, Block 4032, Block 5000, Block 5002, Block 5003, Block 5007, Block 5008, Block 5010

Sec. 63. House District 63 consists of the following:

COUNTIES: Daviess County

TOWNSHIPS in Dubois County: Bainbridge Township, Boone Township, Columbia Township, Hall Township, Harbison Township, Jackson Township, Madison Township, Marion Township

in Martin County: Rutherford Township

PRECINCTS in Martin County: 181010002x, PERRY 1, PERRY 2, PERRY 3, PERRY 4, PERRY 5, PERRY 6

BLOCKS in Martin County: Block 1056, Block 1031, Block 1032, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1052, Block 1053, Block 1054, Block 1055, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1074, Block 1075, Block 1078, Block 1079, Block 1996, Block 1997, Block 1999

Sec. 64. House District 64 consists of the following:

COUNTIES: Pike County

TOWNSHIPS in Gibson County: Center Township, Columbia Township, Patoka Township, Wabash Township, Washington Township, White River Township

in Knox County: Decker Township, Johnson Township, Vincennes Township

PRECINCTS in Gibson County: MONTGOMERY 2, MONTGOMERY 3, MONTGOMERY 4

in Posey County: 1812900035x

Sec. 65. House District 65 consists of the following:

COUNTIES: Brown County

TOWNSHIPS in Jackson County: Carr Township, Driftwood Township, Owen Township, Pershing Township, Salt Creek Township

in Johnson County: Hensley Township, Nineveh Township

in Lawrence County: Guthrie Township, Pleasant Run Township

in Washington County: Brown Township, Gibson Township, Jefferson Township, Monroe Township, Washington Township

PRECINCTS in Lawrence County: SHAWSWICK 1A, SHAWSWICK 1B, SHAWSWICK 2, SHAWSWICK 3, SHAWSWICK 4, SHAWSWICK 5A, SHAWSWICK 5B, SHAWSWICK 6, SHAWSWICK 7A, SHAWSWICK 7B, SHAWSWICK 8, SHAWSWICK 9, SHAWSWICK 10, SHAWSWICK 11, SHAWSWICK 14A, SHAWSWICK 14B, SHAWSWICK 16

BLOCKS in Lawrence County: Block 2008

Sec. 66. House District 66 consists of the following:

COUNTIES: Scott County

TOWNSHIPS in Jackson County: Brownstown Township, Grassy Fork Township, Hamilton Township, Jackson Township, Redding Township, Vernon Township, Washington Township

in Washington County: Franklin Township

BLOCKS in Washington County: Block 2001, Block 3021, Block 1000

Sec. 67. House District 67 consists of the following:

COUNTIES: Decatur County, Ripley County

TOWNSHIPS in Bartholomew County: Haw Creek Township, Rock Creek Township

in Rush County: Anderson Township, Noble Township, Orange

Township, Richland Township**PRECINCTS in Bartholomew County: CLIFTY 3700**

Sec. 68. House District 68 consists of the following:

COUNTIES: Dearborn County, Ohio County

TOWNSHIPS in Switzerland County: Cotton Township, Craig

Township, Jefferson Township, Pleasant Township, Posey Township

BLOCKS in Switzerland County: Block 1061, Block 1062, Block 1064, Block 1093, Block 1094, Block 1990, Block 3011, Block 3012, Block 3013, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3050, Block 3996, Block 3997, Block 3998, Block 3999, Block 3041, Block 3043

Sec. 69. House District 69 consists of the following:

COUNTIES: Jefferson County, Jennings County

BLOCKS in Bartholomew County: Block 4050, Block 4051, Block 4052, Block 2027, Block 2028, Block 2030, Block 2031, Block 2032, Block 2033, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3055, Block 3056, Block 3059, Block 3060, Block 3061, Block 3062, Block 3063, Block 3064, Block 3065, Block 3066, Block 3067, Block 3068, Block 3069, Block 3070, Block 3071, Block 3072, Block 3073, Block 3074, Block 3075

Sec. 70. House District 70 consists of the following:

TOWNSHIPS in Clark County: Bethlehem Township, Carr Township, Charlestown Township, Monroe Township, Oregon Township, Owen Township, Union Township, Washington Township, Wood Township

in Floyd County: Greenville Township

in Harrison County: Morgan Township

in Washington County: Jackson Township, Pierce Township, Polk Township

PRECINCTS in Clark County: SILVER CREEK/CLARKSVILLE 43, SILVER CREEK 1, SILVER CREEK 2, SILVER CREEK 3, SILVER CREEK 4, SILVER CREEK 5, SILVER CREEK 6

in Crawford County: 1802500027x

in Floyd County: Lafayette Precinct 1, Lafayette Precinct 2, Lafayette Precinct 4

in Harrison County: JACKSON NORTHEAST, JACKSON NORTHWEST, SPENCER NORTH

BLOCKS in Clark County: Block 1042, Block 1043, Block 1044

Sec. 71. House District 71 consists of the following:

TOWNSHIPS in Clark County: Jeffersonville Township, Utica Township

BLOCKS in Clark County: Block 6080, Block 2998, Block 2000, Block 2005, Block 2006, Block 2007, Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 5041, Block 5047, Block 5048, Block 5049, Block 5050, Block 5056, Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6006, Block 6007, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6018, Block 6019, Block 6023, Block 6024, Block 6025, Block 6026, Block 6027, Block 6035, Block 6078, Block 6079, Block 6086, Block 6087, Block 6088, Block 6089, Block 6090, Block 6093, Block 6094, Block 3010, Block 3011, Block 3012, Block 3013, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3022

Sec. 72. House District 72 consists of the following:

TOWNSHIPS in Floyd County: Franklin Township, Georgetown Township, New Albany Township

PRECINCTS in Floyd County: Lafayette Precinct 3

BLOCKS in Floyd County: Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014

Sec. 73. House District 73 consists of the following:

COUNTIES: Crawford County

TOWNSHIPS in Dubois County: Ferdinand Township, Jefferson Township

in Harrison County: Blue River Township, Boone Township, Franklin Township, Harrison Township, Heth Township, Posey Township, Taylor Township, Washington Township, Webster Township

in Orange County: Greenfield Township, Paoli Township, Southeast Township

in Perry County: Anderson Township, Clark Township, Leopold Township, Oil Township, Union Township

in Washington County: Howard Township, Madison Township, Posey Township, Vernon Township

PRECINCTS in Harrison County: JACKSON SOUTHEAST, JACKSON SOUTHWEST, SPENCER SOUTH

in Perry County: GERALD, ROME

BLOCKS in Perry County: Block 1076, Block 1047, Block 1048, Block 1049, Block 1050, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1981, Block 1983, Block 1984, Block 1992, Block 1993, Block 1994, Block 1995, Block 2048, Block 2049, Block 2996, Block 2999

Sec. 74. House District 74 consists of the following:

COUNTIES: Spencer County

TOWNSHIPS in Dubois County: Cass Township, Patoka Township

in Perry County: Troy Township

in Warrick County: Boon Township, Campbell Township, Pigeon Township, Skelton Township

PRECINCTS in Warrick County: OHIO 6, OHIO 14

BLOCKS in Warrick County: Block 2098, Block 1041, Block 1036, Block 1037, Block 1052

in Perry County: Block 1985

in Warrick County: Block 1013, Block 1014, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2018, Block 2019, Block 4007

Sec. 75. House District 75 consists of the following:

TOWNSHIPS in Gibson County: Barton Township, Johnson Township, Union Township

in Vanderburgh County: Armstrong Township, German Township

in Warrick County: Greer Township, Hart Township, Lane Township, Owen Township

PRECINCTS in Gibson County: MONTGOMERY 1

in Posey County: 1812900146x

in Vanderburgh County: Evansville Ward 1 Precinct 11, Evansville Ward 1 Precinct 22, Evansville Ward 3 Precinct 3, Evansville Ward 3 Precinct 5, Evansville Ward 3 Precinct 6, Evansville Ward 3 Precinct 7, Evansville Ward 3 Precinct 8, Evansville Ward 3 Precinct 9, Evansville Ward 3 Precinct 11, Evansville Ward 3 Precinct 12, Evansville Ward 3 Precinct 13, Evansville Ward 3 Precinct 18, Evansville Ward 3 Precinct 19, Evansville Ward 3 Precinct 20, Ward 5 Precinct 3, Evansville Ward 5 Precinct 4, Ward 5 Precinct 6, Evansville Ward 5 Precinct 7, Evansville Ward 5 Precinct 8, Evansville Ward 5 Precinct 9, Evansville Ward 5 Precinct 10, Evansville Ward 5 Precinct 12, Evansville Ward 5 Precinct 13, Evansville Ward 5 Precinct 15, Evansville Ward 5 Precinct 16, Evansville Ward 5 Precinct 17, Evansville Ward 5 Precinct 18, Evansville Ward 5 Precinct 19, Evansville Ward 5 Precinct 20, Evansville Ward 5 Precinct 21, Evansville Ward 5

Precinct 22, Center Precinct 2, Center Precinct 9, Perry Precinct 1, Perry Precinct 2, Perry Precinct 3, Perry Precinct 4, Scott Precinct 2, Scott Precinct 3

BLOCKS in Warrick County: Block 2000, Block 2003

Sec. 76. House District 76 consists of the following:

COUNTIES: Posey County

TOWNSHIPS in Vanderburgh County: Union Township

PRECINCTS in Vanderburgh County: Evansville Ward 3 Precinct 4, Evansville Ward 3 Precinct 10, Evansville Ward 3 Precinct 16, Ward 3 Precinct 17, Evansville Ward 6 Precinct 1, Evansville Ward 6 Precinct 2, Evansville Ward 6 Precinct 3, Evansville Ward 6 Precinct 4, Evansville Ward 6 Precinct 5, Evansville Ward 6 Precinct 6, Evansville Ward 6 Precinct 7, Evansville Ward 6 Precinct 8, Evansville Ward 6 Precinct 9, Evansville Ward 6 Precinct 10, Evansville Ward 6 Precinct 11, Evansville Ward 6 Precinct 12, Evansville Ward 6 Precinct 13, Evansville Ward 6 Precinct 14, Evansville Ward 6 Precinct 15, Evansville Ward 6 Precinct 16, Evansville Ward 6 Precinct 17, Evansville Ward 6 Precinct 18, Evansville Ward 6 Precinct 19, Evansville Ward 6 Precinct 20, Ward 6 Precinct 21, Perry Precinct 5, Perry Precinct 6, Perry 7, Perry 8, Perry Precinct 9, Perry Precinct 10, Pig-A

BLOCKS in Vanderburgh County: Block 1004

Sec. 77. House District 77 consists of the following:

PRECINCTS in Vanderburgh County: Evansville Ward 1 Precinct 1, Evansville Ward 1 Precinct 2, Evansville Ward 1 Precinct 3, Evansville Ward 1 Precinct 4, Evansville Ward 1 Precinct 5, Evansville Ward 1 Precinct 10, Evansville Ward 1 Precinct 12, Evansville Ward 1 Precinct 13, Evansville Ward 1 Precinct 14, Evansville Ward 1 Precinct 15, Evansville Ward 1 Precinct 16, Evansville Ward 1 Precinct 17, Evansville Ward 1 Precinct 18, Evansville Ward 1 Precinct 20, Evansville Ward 1 Precinct 21, Evansville Ward 2 Precinct 1, Evansville Ward 2 Precinct 2, Evansville Ward 2 Precinct 3, Evansville Ward 2 Precinct 4, Evansville Ward 2 Precinct 5, Evansville Ward 2 Precinct 6, Evansville Ward 2 Precinct 7, Evansville Ward 2 Precinct 8, Evansville Ward 2 Precinct 9, Evansville Ward 2 Precinct 10, Evansville Ward 2 Precinct 11, Evansville Ward 2 Precinct 12, Evansville Ward 2 Precinct 13, Evansville Ward 2 Precinct 14, Evansville Ward 2 Precinct 15, Evansville Ward 2 Precinct 16, Evansville Ward 2 Precinct 17, Evansville Ward 2 Precinct 18, Evansville Ward 2 Precinct 19, Evansville Ward 2 Precinct 20, Evansville Ward 2 Precinct 21, Evansville Ward 3 Precinct 1, Ward 3 Precinct 2, Evansville Ward 3 Precinct 15, Evansville Ward 4 Precinct 1, Evansville Ward 4 Precinct 2, Evansville Ward 4 Precinct 3, Evansville Ward 4 Precinct 4, Evansville Ward 4 Precinct 5, Evansville Ward 4 Precinct 6, Evansville Ward 4 Precinct 7, Evansville Ward 4 Precinct 8, Evansville Ward 4 Precinct 9, Evansville Ward 4 Precinct 10, Evansville Ward 4 Precinct 11, Evansville Ward 4 Precinct 12, Evansville Ward 4 Precinct 13, Evansville Ward 4 Precinct 14, Evansville Ward 4 Precinct 15, Evansville Ward 4 Precinct 17, Evansville Ward 4 Precinct 18, Evansville Ward 4 Precinct 19, Evansville Ward 4 Precinct 20, Evansville Ward 4 Precinct 21, Knight Precinct 1, Knight Precinct 2, Ward 4 Precinct 16/Pig-A

BLOCKS in Warrick County: Block 1006

Sec. 78. House District 78 consists of the following:

PRECINCTS in Vanderburgh County: Evansville Ward 1 Precinct 6, Evansville Ward 1 Precinct 7, Evansville Ward 1 Precinct 8, Evansville Ward 1 Precinct 9, Evansville Ward 1 Precinct 19, 1816300031x, Evansville Ward 3 Precinct 14, Evansville Ward 5 Precinct 1, Evansville Ward 5 Precinct 2, Evansville Ward 5 Precinct 5, Evansville Ward 5 Precinct 11, Evansville Ward 5 Precinct 14, Center Precinct 1, Center Precinct 3, Center Precinct 4, Center Precinct 5, Center Precinct 6, Center Precinct 7, Center Precinct 8, Center Precinct 10, Center Precinct 11, Center Precinct 12, Center Precinct 13, Knight Precinct 3, Scott Precinct 1, Scott Precinct 4, Scott Precinct 5

in Warrick County: ANDERSON, OHIO 1, OHIO 2, OHIO 3, OHIO 4, OHIO 5, OHIO 8, OHIO 9, OHIO 10, OHIO 11, OHIO 12, OHIO 13, OHIO 15, OHIO 16, OHIO 17, OHIO 18, OHIO 19, OHIO 20, OHIO 21, OHIO 22, OHIO 23, OHIO 24, OHIO 25, OHIO 26, OHIO

27, OHIO 28, OHIO 29, OHIO 87

Sec. 79. House District 79 consists of the following:

COUNTIES: Posey County: Adams County

TOWNSHIPS in Allen County: Madison Township, Marion Township, Monroe Township, Pleasant Township

in Wells County: Jefferson Township, Nottingham Township

PRECINCTS in Allen County: Precinct 453, Precinct 454, Precinct 455, Precinct 456, Wayne 590/NA, Wayne A, 98G03Wayne 452

in Wells County: HARRISON EAST

BLOCKS in Allen County: Block 2013, Block 2014, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2014, Block 2016, Block 2017, Block 2018, Block 2019, Block 2033, Block 1007

Sec. 80. House District 80 consists of the following:

PRECINCTS in Allen County: Adams158, Adams 190/NA, Adams 191N/A, St. Joe 151, St. Joe 204, St. Joe 210, Washington 304, Washington 311, Washington 314, Washington 409, Precinct 101, Precinct 114, Precinct 115, Precinct 116, Precinct 117, Precinct 118, Precinct 119, Precinct 150, Precinct 205, Precinct 206, Precinct 207, Precinct 209, Precinct 350, Precinct 352, Precinct 353, Precinct 354, Precinct 355, Precinct 356, Precinct 357, Precinct 358, Precinct 359, Precinct 402, Precinct 403, Precinct 404, Precinct 405, Precinct 406, Precinct 407, Precinct 408, Precinct 412, Precinct 413, Wayne 416, Precinct 451, Precinct 457, Precinct 459, Precinct 460, Precinct 502, Precinct 504, Precinct 506, Precinct 508, Precinct 509, Precinct 511, Precinct 512, Precinct 513, Precinct 514, Precinct 515, Precinct 550, Precinct 551, Precinct 553, Precinct 554

BLOCKS in Allen County: Block 3004, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014

Sec. 81. House District 81 consists of the following:

PRECINCTS in Allen County: Adams 653/667, Adams 654, Adams 655, Adams 656, Adams 657, Adams 658, Adams 659, Adams 660, Adams 661, Adams 662, Adams 663, Adams 664, Adams 665, Adams G CityNV, Precinct 102, Precinct 103, Precinct 104, Precinct 105, Precinct 106, Precinct 107, Precinct 108, Precinct 109, Precinct 111, Precinct 112, Precinct 113, Precinct 159, Precinct 160, Precinct 161, Precinct 501, Precinct 503, Precinct 505, Precinct 507, Precinct 510, Precinct 516, Precinct 518, Precinct 519, Precinct 552, Precinct 555, Precinct 556, Precinct 557, Precinct 558, Precinct 559, Precinct 560, Wayne 602, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 607, Precinct 608, Precinct 609, Wayne 610, Precinct 650, Precinct 651, Precinct 652

Sec. 82. House District 82 consists of the following:

TOWNSHIPS in Allen County: Aboite Township, Lafayette Township, Lake Township

in Wells County: Chester Township, Jackson Township, Lancaster Township, Liberty Township, Rockcreek Township, Union Township

PRECINCTS in Allen County: Washington F, Precinct 410, Wayne 411, Wayne B, Wayne C, Wayne B City, Wayne F/NA, 98G01Precinct 414, 98G02Wayne 417

in Wells County: HARRISON BLUFFTON 3, HARRISON BLUFFTON4, HARRISON BLUFFTON5, HARRISON BLUFFTON 6, HARRISON WEST

BLOCKS in Wells County: Block 1000, Block 1001, Block 1002, Block 1003, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4031, Block 4035

Sec. 83. House District 83 consists of the following:

TOWNSHIPS in DeKalb County: Butler Township, Richland Township

in Noble County: Allen Township, Swan Township, Wayne Township
PRECINCTS in Allen County: Washington B/K, Eel River B, St. Joe B2, Washington 303, Washington 305, Washington 306, Washington 307, Washington 308, Washington 309, Washington 310, Washington 312, Washington 313, Washington 315, Washington 316, Washington 317, Washington 318, Washington 390/NA, Washington A, Washington C, Washington E, Washington G, Washington H, Washington J
 in DeKalb County: **KEYSER 1, KEYSER 4, KEYSER 3, KEYSER 2**

Sec. 84. House District 84 consists of the following:

PRECINCTS in Allen County: St. Joe 255/St. Joe C, St. Joe 260/262, St. Joe V2/V2 (City), St. Joe V3/V3(City), Adams 157, St. Joe 152, St. Joe 153, St. Joe 154, St. Joe 155, St. Joe 156, St. Joe 201, St. Joe 202, St. Joe 203, St. Joe 208, St. Joe 211, St. Joe 212, St. Joe 213, St. Joe 214, St. Joe 215, St. Joe 216, St. Joe 217, St. Joe 218, St. Joe 219, St. Joe 256, St. Joe 257, St. Joe 258, St. Joe 259, St. Joe 261, St. Joe 263, St. Joe 264, St. Joe 265, St. Joe 266, St. Joe 267, St. Joe 268, St. Joe 269, St. Joe 270, St. Joe 271, St. Joe 272, St. Joe 273, St. Joe 274, St. Joe 275, St. Joe 276, St. Joe 277, St. Joe 278, St. Joe 279, St. Joe 280, St. Joe 281, St. Joe 282, St. Joe 283, St. Joe 284, St. Joe 301, St. Joe 302, St. Joe A, St. Joe B1, St. Joe E, St. Joe J2, St. Joe P1 City

Sec. 85. House District 85 consists of the following:

TOWNSHIPS in Allen County: Cedar Creek Township, Jackson Township, Maumee Township, Milan Township, Perry Township, Scipio Township, Springfield Township
 in DeKalb County: Concord Township, Newville Township, Spencer Township

PRECINCTS in Allen County: Adams 668K/M, Adams F/New Haven 5C, New Haven 1/1J, New Haven 2/2J, Adams 192/NA, Adams 193/NA, Adams B, Adams B city, Adams E, Adams G, Adams H/NA, Adams J/NA, Adams L/NA, Adams D/NA, New Haven 3A, New Haven 3B, New Haven 5A, New Haven 5B, NH 192Na, NH 193 NA, Eel River A, Jefferson, N.H. 190 NA, St. Joe V1, St. Joe V4, 98G04Adams E City

BLOCKS in Allen County: Block 1996

Sec. 86. House District 86 consists of the following:

TOWNSHIPS in Boone County: Eagle Township

PRECINCTS in Hamilton County: Clay Center 1, Clay Southwest 1, Clay Southwest 2, Spring Mill 1 Precinct

in Marion County: Ward 21 Precinct 12, Pike Precinct 2, Pike Precinct 8, Pike Precinct 14, Pike Precinct 20, Pike Precinct 21, Pike Precinct 27, Pike Precinct 28, Pike Precinct 29, Pike Precinct 34, Pike Precinct 35, Pike Precinct 37, Pike Precinct 40, Pike Precinct 41, Pike Precinct 44, Pike Precinct 52, Pike Precinct 53, Pike Precinct 59, Pike Precinct 60, Washington Precinct 2, Washington Precinct 7, Washington Precinct 10, Washington Precinct 12, Washington Precinct 13, Washington Precinct 22, Washington Precinct 26, Washington Precinct 29, Washington Precinct 33, Washington Precinct 34, Washington Precinct 46, Washington Precinct 53, Washington Precinct 59, Washington Precinct 62, Washington Precinct 64, Washington Precinct 65, Washington Precinct 68, Washington Precinct 69, Washington Precinct 73, Washington Precinct 79, Washington Precinct 80, Washington Precinct 84, Washington Precinct 85, Washington Precinct 87, Washington Precinct 91, Washington Precinct 92, Washington Precinct 96, Washington Precinct 104, Washington Precinct 105, Washington Precinct 106, Washington Precinct 107, Washington Precinct 113

Sec. 87. House District 87 consists of the following:

PRECINCTS in Marion County: Ward 20 Precinct 2, Ward 20 Precinct 6, Ward 20 Precinct 10, Ward 20 Precinct 13, Ward 20 Precinct 18, Ward 21 Precinct 1, Ward 21 Precinct 2, Ward 21 Precinct 3, Ward 21 Precinct 4, Ward 21 Precinct 5, Ward 21 Precinct 6, Ward 21 Precinct 7, Ward 21 Precinct 8, Ward 21 Precinct 9, Ward 21 Precinct 10, Ward 21 Precinct 11, Ward 21 Precinct 13, Ward 21 Precinct 14, Ward 21 Precinct 15, Ward 21 Precinct 16, Ward 21 Precinct 17, Ward 21 Precinct 18, Ward 21 Precinct 19, Ward 21 Precinct 20, Ward 21 Precinct 22, Ward 21 Precinct 23, Ward 21 Precinct 24, Ward 22 Precinct 9, Ward 22

Precinct 10, Lawrence Precinct 3, Lawrence Precinct 21, Lawrence Precinct 27, Lawrence 28, Lawrence Precinct 31, Lawrence 35, Lawrence Precinct 37, Lawrence Precinct 43, Lawrence 44, Lawrence Precinct 52, Lawrence 65, Lawrence Precinct 77, Lawrence Precinct 83, Washington Precinct 1, Washington Precinct 3, Washington Precinct 6, Washington Precinct 9, Washington Precinct 11, Washington Precinct 15, Washington Precinct 16, Washington Precinct 18, Washington Precinct 21, Washington Precinct 27, Washington Precinct 28, Washington Precinct 31, Washington Precinct 35, Washington Precinct 41, Washington Precinct 42, Washington Precinct 43, Washington Precinct 45, Washington Precinct 52, Washington 54, Washington Precinct 55, Washington Precinct 56, Washington Precinct 57, Washington Precinct 58, Washington Precinct 66, Washington Precinct 70, Washington Precinct 75, Washington Precinct 76, Washington Precinct 77, Washington Precinct 78, Washington Precinct 81, Washington Precinct 86, Washington Precinct 88, Washington Precinct 89, Washington Precinct 90, Washington Precinct 94, Washington Precinct 97, Washington Precinct 98, Washington Precinct 101, Washington 102, Washington 103, Washington Precinct 111

BLOCKS in Marion County: Block 1003, Block 1004

Sec. 88. House District 88 consists of the following:

PRECINCTS in Marion County: Lawrence Precinct 1, Lawrence Precinct 5, Lawrence Precinct 6, Lawrence Precinct 8, Lawrence Precinct 10, Lawrence Precinct 11, Lawrence Precinct 13, Lawrence Precinct 14, Lawrence Precinct 16, Lawrence Precinct 17, Lawrence Precinct 20, Lawrence Precinct 22, Lawrence Precinct 23, Lawrence Precinct 25, Lawrence Precinct 26, Lawrence Precinct 29, Lawrence Precinct 30, Lawrence Precinct 32, Lawrence Precinct 34, Lawrence Precinct 36, Lawrence Precinct 38, Lawrence Precinct 40, Lawrence Precinct 45, Lawrence Precinct 46, Lawrence Precinct 47, Lawrence Precinct 48, Lawrence Precinct 50, Lawrence Precinct 51, Lawrence 53, Lawrence Precinct 54, Lawrence Precinct 55, Lawrence Precinct 56, Lawrence Precinct 58, Lawrence Precinct 59, Lawrence Precinct 60, Lawrence Precinct 62, Lawrence Precinct 63, Lawrence Precinct 64, Lawrence Precinct 66, Lawrence Precinct 67, Lawrence Precinct 68, Lawrence Precinct 70, Lawrence Precinct 71, Lawrence Precinct 72, Lawrence Precinct 73, Lawrence Precinct 74, Lawrence Precinct 75, Lawrence Precinct 76, Lawrence Precinct 78, Lawrence Precinct 79, Lawrence Precinct 80, Lawrence Precinct 81, Lawrence Precinct 82, Lawrence Precinct 84, Lawrence Precinct 85, Lawrence Precinct 86, Lawrence Precinct 87, Lawrence Precinct 88, Lawrence Precinct 89, Lawrence Precinct 90

BLOCKS in Marion County: Block 1999

Sec. 89. House District 89 consists of the following:

PRECINCTS in Marion County: Ward 18 Precinct 1, Ward 18 Precinct 12, Ward 18 Precinct 13, Ward 18 precinct 14, Ward 28 Precinct 4, Ward 28 Precinct 11, Ward 28 Precinct 19, Ward 28 Precinct 23, Ward 28 Precinct 28, Franklin Precinct 1, Franklin Precinct 3, Franklin Precinct 6, Franklin Precinct 9, Franklin Precinct 12, Perry Precinct 16, Perry Precinct 24, Perry Precinct 42, Perry Precinct 23, Perry Precinct 72, Perry Precinct 73, Perry Precinct 85, Warren Precinct 1, Warren Precinct 2, Warren Precinct 3, Warren Precinct 4, Warren Precinct 5, Warren Precinct 6, Warren Precinct 8, Warren Precinct 9, Warren Precinct 10, Warren Precinct 12, Warren Precinct 13, Warren Precinct 14, Warren Precinct 15, Warren Precinct 17, Warren Precinct 18, Warren Precinct 19, Warren Precinct 21, Warren Precinct 22, Warren Precinct 23, Warren Precinct 24, Warren Precinct 25, Warren Precinct 26, Warren Precinct 27, Warren Precinct 28, Warren Precinct 29, Warren Precinct 30, Warren Precinct 31, Warren Precinct 32, Warren Precinct 33, Warren Precinct 35, Warren Precinct 36, Warren Precinct 37, Warren Precinct 38, Warren Precinct 41, Warren Precinct 42, Warren Precinct 43, Warren Precinct 45, Warren Precinct 51, Warren Precinct 54, Warren Precinct 55, Warren Precinct 56

Sec. 90. House District 90 consists of the following:

PRECINCTS in Marion County: Ward 26 Precinct 1, Center Ward

26 Precinct 2, Ward 26 Precinct 4, Center Ward 26 Precinct 5, Center Ward 26 Precinct 7, Franklin Precinct 2, Franklin Precinct 4, Franklin Precinct 5, Franklin Precinct 7, Franklin Precinct 8, Franklin Precinct 10, Franklin Precinct 11, Franklin Precinct 13, Franklin Precinct 14, Franklin Precinct 15, Franklin Precinct 16, Franklin Precinct 17, Franklin Precinct 18, Franklin Precinct 19, Franklin Precinct 20, Franklin Precinct 21, Franklin Precinct 22, Franklin Precinct 23, Franklin Precinct 24, Franklin Precinct 25, Franklin Precinct 26, Perry Precinct 8, Perry Precinct 9, Perry Precinct 11, Perry Precinct 13, Perry Precinct 19, Perry Precinct 20, Perry Precinct 25, Perry Precinct 31, Perry Precinct 32, Perry Precinct 38, Perry Precinct 39, Perry Precinct 40, Perry Precinct 45, Perry Precinct 46, Perry Precinct 49, Perry Precinct 55, Perry Precinct 61, Perry Precinct 62, Perry 63, Perry Precinct 64, Perry Precinct 67, Perry Precinct 70, Perry Precinct 71, Perry Precinct 77, Perry Precinct 83

Sec. 91. House District 91 consists of the following:

TOWNSHIPS in Morgan County: Madison Township

PRECINCTS in Hendricks County: Guilford 8, Guilford 12, Guilford 15, Guilford 17

in Marion County: Decatur Precinct 1, Decatur Precinct 2, Decatur Precinct 3, Decatur Precinct 4, Decatur Precinct 5, Decatur Precinct 6, Decatur Precinct 7, Decatur Precinct 8, Decatur Precinct 9, Decatur Precinct 10, Decatur Precinct 11, Decatur Precinct 12, Decatur Precinct 13, Decatur Precinct 14, Decatur Precinct 15, Decatur Precinct 16, Decatur Precinct 17, Decatur Precinct 18, Decatur Precinct 19, Decatur Precinct 20, Perry Precinct 6, Wayne Precinct 6, Wayne Precinct 7, Wayne Precinct 8, Wayne Precinct 9, Wayne Precinct 10, Wayne Precinct 12, Wayne Precinct 13, Wayne Precinct 14, Wayne Precinct 15, Wayne Precinct 20, Wayne Precinct 24, Wayne Precinct 29, Wayne Precinct 30, Wayne Precinct 41, Wayne Precinct 49, Wayne Precinct 52, Wayne Precinct 64, Wayne Precinct 68, Wayne Precinct 76, Wayne Precinct 81

BLOCKS in Marion County: Block 1001, Block 1013, Block 1016, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1045, Block 1046, Block 1047, Block 1048, Block 1055, Block 1056, Block 1057

Sec. 92. House District 92 consists of the following:

PRECINCTS in Hendricks County: 18063WY063x

in Marion County: water polygon, Pike Precinct 3, Pike Precinct 23, Pike Precinct 31, Pike Precinct 32, Pike Precinct 33, Pike Precinct 43, Pike Precinct 45, Pike Precinct 46, Pike Precinct 49, Pike Precinct 57, Wayne Precinct 4, Wayne Precinct 5, Wayne Precinct 11, Wayne Precinct 17, Wayne Precinct 18, Wayne Precinct 19, Wayne Precinct 21, Wayne Precinct 22, Wayne Precinct 23, Wayne Precinct 26, Wayne Precinct 27, Wayne Precinct 32, Wayne Precinct 33, Wayne Precinct 34, Wayne Precinct 35, Wayne Precinct 36, Wayne Precinct 37, Wayne Precinct 40, Wayne Precinct 43, Wayne Precinct 44, Wayne Precinct 45, Wayne Precinct 51, Wayne Precinct 53, Wayne Precinct 54, Wayne Precinct 55, Wayne Precinct 56, Wayne Precinct 57, Wayne Precinct 59, Wayne Precinct 60, Wayne Precinct 62, Wayne Precinct 63, Wayne Precinct 65, Wayne 66, Wayne Precinct 67, Wayne Precinct 69, Wayne Precinct 70, Wayne Precinct 72, Wayne Precinct 73, Wayne Precinct 74, Wayne Precinct 77, Wayne Precinct 79, Wayne Precinct 80, Wayne Precinct 82, Wayne Precinct 83, Wayne Precinct 84, Wayne Precinct 85, Wayne Precinct 86

BLOCKS in Marion County: Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043

Sec. 93. House District 93 consists of the following:

PRECINCTS in Johnson County: WHITE RIVER 1, WHITE RIVER 3, WHITE RIVER 4, WHITE RIVER 6, WHITE RIVER 10, WHITE RIVER 12, WHITE RIVER 14, WHITE RIVER 16, WHITE RIVER 24, WHITE RIVER 26

in Marion County: Center Ward 26 Precinct 3, Center Ward 26 Precinct 6, Perry Precinct 4, Perry Precinct 5, Perry Precinct 7, Perry Precinct 10, Perry Precinct 14, Perry Precinct 15, Perry Precinct 17, Perry Precinct 18, Perry Precinct 21, Perry Precinct

22, Perry Precinct 26, Perry Precinct 27, Perry Precinct 28, Perry Precinct 29, Perry Precinct 30, Perry Precinct 33, Perry Precinct 34, Perry Precinct 35, Perry Precinct 36, Perry Precinct 37, Perry Precinct 41, Perry Precinct 43, Perry Precinct 44, Perry Precinct 47, Perry Precinct 48, Perry Precinct 51, Perry Precinct 52, Perry Precinct 54, Perry Precinct 56, Perry Precinct 57, Perry Precinct 58, Perry Precinct 59, Perry Precinct 65, Perry Precinct 66, Perry Precinct 68, Perry Precinct 69, Perry Precinct 74, Perry Precinct 75, Perry Precinct 76, Perry Precinct 78, Perry Precinct 79, Perry Precinct 80, Perry Precinct 84

BLOCKS in Marion County: Block 1010, Block 1011, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044

Sec. 94. House District 94 consists of the following:

PRECINCTS in Marion County: Ward 19 Precinct 6, Ward 29 Precinct 5, Ward 29 Precinct 6, Ward 29 Precinct 7, Ward 29 Precinct 8, Ward 29 Precinct 9, Ward 29 Precinct 10, Ward 29 Precinct 11, Ward 29 Precinct 12, Ward 29 Precinct 13, Ward 29 Precinct 14, Ward 29 Precinct 15, Ward 29 Precinct 19, Ward 29 Precinct 20, Ward 29 Precinct 21, Ward 29 Precinct 22, Ward 29 Precinct 25, Ward 29 Precinct 28, Ward 29 Precinct 31, Ward 29 Precinct 33, Center Ward 32 Precinct 1, Ward 32 Precinct 2, Center Ward 32 Precinct 3, Center Ward 32 Precinct 4, Pike Precinct 1, Pike Precinct 4, Pike Precinct 5, Pike Precinct 6, Pike Precinct 7, Pike Precinct 9, Pike Precinct 11, Pike Precinct 15, Pike Precinct 22, Pike Precinct 24, Pike Precinct 26, Pike Precinct 30, Pike Precinct 38, Pike Precinct 39, Pike Precinct 42, Pike Precinct 48, Pike Precinct 51, Pike Precinct 54, Pike Precinct 55, Pike Precinct 56, Pike Precinct 58, Wayne Precinct 1, Wayne Precinct 3, Wayne Precinct 28, Wayne Precinct 31, Wayne Precinct 38, Wayne Precinct 39, Wayne Precinct 46, Wayne Precinct 47, Wayne Precinct 48, Wayne Precinct 50, Wayne Precinct 61

BLOCKS in Marion County: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1022

Sec. 95. House District 95 consists of the following:

PRECINCTS in Marion County: Center Ward 23 Precinct 6, Center Ward 23 Precinct 11, Ward 27 Precinct 1, Ward 27 Precinct 2, Ward 27 Precinct 3, Ward 27 Precinct 4, Ward 27 Precinct 5, Ward 27 Precinct 6, Ward 27 Precinct 7, Ward 27 Precinct 8, Ward 27 Precinct 9, Ward 27 Precinct 10, Ward 27 Precinct 11, Ward 27 Precinct 12, Ward 27 Precinct 13, Ward 27 Precinct 14, Ward 27 Precinct 15, Ward 27 Precinct 16, Ward 27 Precinct 17, Ward 27 Precinct 18, Ward 27 Precinct 19, Ward 27 Precinct 20, Ward 27 Precinct 21, Ward 27 Precinct 22, Ward 27 Precinct 23, Ward 27 Precinct 24, Ward 27 Precinct 25, Ward 27 Precinct 26, Ward 27 Precinct 28, Ward 27 Precinct 29, Ward 27 Precinct 30, Ward 28 Precinct 10, Ward 28 Precinct 24, Ward 28 Precinct 26, Ward 28 Precinct 27, Ward 28 Precinct 30, Ward 31 Precinct 1, Ward 31 Precinct 2, Ward 31 Precinct 3, Ward 31 Precinct 4, Ward 31 Precinct 6, Ward 31 Precinct 7, Ward 31 Precinct 8, Ward 31 Precinct 10, Lawrence Precinct 2, Lawrence Precinct 4, Lawrence Precinct 7, Lawrence Precinct 9, Lawrence Precinct 12, Lawrence Precinct 15, Lawrence Precinct 18, Lawrence Precinct 19, Lawrence Precinct 24, Lawrence Precinct 33, Lawrence Precinct 39, Lawrence Precinct 41, Lawrence Precinct 42, Lawrence Precinct 49, Lawrence Precinct 57, Lawrence 91, Warren Precinct 48, Washington Precinct 5, Washington Precinct 17, Washington Precinct 32, Washington Precinct 39, Washington Precinct 40, Washington Precinct 44

Sec. 96. House District 96 consists of the following:

PRECINCTS in Marion County: Center Ward 3 Precinct 1, Center W3P2, Center Ward 3 Precinct 8, Center Ward 4 Precinct 1, Center Ward 4 Precinct 2, Center Ward 4 Precinct 3, Center Ward 4 Precinct 4, Center Ward 4 Precinct 5, Center Ward 4 Precinct 6, Center Ward 4 Precinct 7, Center Ward 4 Precinct 8, Center Ward 4 Precinct 9, Center Ward 4 Precinct 10, Center Ward 5 Precinct 1, Center Ward 5 Precinct 2, Center Ward 5 Precinct 3, Center Ward 5 Precinct 4, Center Ward 5 Precinct 5, Center Ward 5 Precinct 6, Center Ward 5 Precinct 9, Center Ward 5 Precinct 10, Center Ward 5 Precinct 11, Center Ward 5 Precinct 12, Ward 20

Precinct 1, Ward 20 Precinct 3, Ward 20 Precinct 4, Ward 20 Precinct 5, Ward 20 Precinct 7, Ward 20 Precinct 8, Ward 20 Precinct 9, Ward 20 Precinct 11, Ward 20 Precinct 12, Ward 20 Precinct 14, Ward 20 Precinct 15, Ward 20 Precinct 16, Ward 20 Precinct 17, Ward 20 Precinct 19, Ward 21 Precinct 21, Ward 22 Precinct 1, Ward 22 Precinct 2, Ward 22 Precinct 3, Ward 22 Precinct 4, Ward 22 Precinct 5, Ward 22 Precinct 6, Ward 22 Precinct 7, Ward 22 Precinct 8, Ward 22 Precinct 11, Ward 22 Precinct 12, Ward 22 Precinct 13, Ward 22 Precinct 14, Pike Precinct 13, Pike Precinct 36, Washington Precinct 4, Washington Precinct 8, Washington Precinct 14, Washington Precinct 19, Washington Precinct 25, Washington Precinct 30, Washington Precinct 37, Washington Precinct 38, Washington 47, Washington 48, Washington Precinct 49, Washington Precinct 51, Washington Precinct 60, Washington Precinct 61, Washington Precinct 63, Washington Precinct 67, Washington Precinct 72, Washington Precinct 74, Washington Precinct 93, Washington Precinct 108, Washington Precinct 109, Washington 110
BLOCKS in Marion County: Block 1010, Block 1011, Block 1012, Block 1013, Block 1014

Sec. 97. House District 97 consists of the following:

PRECINCTS in Marion County: Center Ward 12 Precinct 2, Center Ward 12 Precinct 4, Center Ward 13 Precinct 1, Center Ward 13 Precinct 2, Center Ward 13 Precinct 4, Center Ward 13 Precinct 5, Center Ward 13 Precinct 6, Center Ward 13 Precinct 7, Center Ward 13 Precinct 8, Center Ward 13 Precinct 9, Center Ward 13 Precinct 10, Center Ward 13 Precinct 11, Center Ward 13 Precinct 13, Center Ward 14 Precinct 2, Center Ward 14 Precinct 4, Center Ward 14 Precinct 5, Center Ward 14 Precinct 6, Center Ward 16 Precinct 4, Center Ward 17 Precinct 1, Center Ward 17 Precinct 2, Center Ward 17 Precinct 3, Center Ward 17 Precinct 4, Center Ward 17 Precinct 5, Center Ward 17 Precinct 6, Center Ward 17 Precinct 7, Center Ward 17 Precinct 8, Center Ward 17 Precinct 9, Center Ward 17 Precinct 10, Center Ward 17 Precinct 11, Ward 19 Precinct 7, Ward 19 Precinct 8, Ward 24 Precinct 2, Ward 24 Precinct 3, Ward 24 Precinct 4, Ward 24 Precinct 5, Ward 24 Precinct 6, Ward 24 Precinct 7, Center W26P8, Center Ward 30 Precinct 1, Center Ward 30 Precinct 2, Center Ward 30 Precinct 3, Center Ward 30 Precinct 4, Center Ward 30 Precinct 5, Center Ward 30 Precinct 6, Center Ward 30 Precinct 7, Center Ward 30 Precinct 8, Center Ward 30 Precinct 9, Center Ward 30 Precinct 10, Center Ward 30 Precinct 11, Center Ward 30 Precinct 12, Center Outside 1, Center Outside 2, Center Outside 3, Center Outside 4, Perry Precinct 1, Perry Precinct 2, Perry Precinct 3, Perry Precinct 12, Perry Precinct 23, Perry Precinct 50, Perry Precinct 82, Wayne Precinct 2, Wayne Precinct 16
BLOCKS in Marion County: Block 3008, Block 1022, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2042, Block 2043, Block 2044, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019

Sec. 98. House District 98 consists of the following:

PRECINCTS in Marion County: Center Ward 1 Precinct 1, Center Ward 1 Precinct 2, Center Ward 1 Precinct 3, Center Ward 1 Precinct 4, Center Ward 1 Precinct 5, Center Ward 1 Precinct 6, Center Ward 1 Precinct 7, Center Ward 1 Precinct 9, Center Ward 1 Precinct 10, Center Ward 1 Precinct 12, Center Ward 1 Precinct 13, Center Ward 1 Precinct 14, Center Ward 1 Precinct 15, Center Ward 1 Precinct 16, Center Ward 1 Precinct 17, Center Ward 2 Precinct 1, Center Ward 2 Precinct 2, Center Ward 2 Precinct 3, Center Ward 2 Precinct 4, Center Ward 2 Precinct 7, Center Ward 2 Precinct 8, Center Ward 2 Precinct 9, Center Ward 2 Precinct 11, Center Ward 3 Precinct 3, Center Ward 3 Precinct 4, Center Ward 3 Precinct 5, Center Ward 3 Precinct 6, Center Ward 3 Precinct 7, Center Ward 7 Precinct 2, Center Ward 7 Precinct 3, Ward 7 Precinct 4, Center Ward 8 Precinct 2, Center Ward 9 Precinct 15, Center Ward 23 Precinct 1, Center Ward 23 Precinct 2, Center Ward 23 Precinct 3, Center Ward 23 Precinct 4, Center

Ward 23 Precinct 5, Center Ward 23 Precinct 7, Center Ward 23 Precinct 8, Center Ward 23 Precinct 9, Center Ward 23 Precinct 10, Center Ward 23 Precinct 12, Center Ward 23 Precinct 13, Ward 28 Precinct 7, Ward 28 Precinct 8, Ward 28 Precinct 9, Ward 28 Precinct 12, Ward 28 Precinct 13, Ward 28 Precinct 14, Ward 28 Precinct 15, Ward 28 Precinct 17, Ward 28 Precinct 18, Ward 28 Precinct 20, Ward 28 Precinct 21, Ward 28 Precinct 22, Ward 28 Precinct 25, Ward 28 Precinct 29, Ward 31 Precinct 5, Warren Precinct 7, Warren Precinct 11, Warren Precinct 20, Warren Precinct 34, Warren Precinct 39, Warren Precinct 47, Warren Precinct 49, Warren Precinct 50, Warren Precinct 57, Warren Precinct 59

Sec. 99. House District 99 consists of the following:

PRECINCTS in Marion County: Center Ward 5 Precinct 7, Center Ward 5 Precinct 8, Center Ward 6 Precinct 1, Center Ward 6 Precinct 2, Center Ward 6 Precinct 3, Center Ward 6 Precinct 4, Center Ward 6 Precinct 5, Center Ward 6 Precinct 6, Center Ward 6 Precinct 7, Ward 6 Precinct 8, Ward 6 Precinct 9, Center Ward 6 Precinct 10, Center Ward 6 Precinct 11, Center Ward 7 Precinct 1, Center Ward 7 Precinct 6, Center Ward 8 Precinct 1, Center Ward 8 Precinct 3, Center Ward 8 Precinct 5, Ward 11 Precinct 3, Center Ward 11 Precinct 4, Ward 11 Precinct 5, Center Ward 12 Precinct 1, Center Ward 12 Precinct 3, Center Ward 12 Precinct 5, Center Ward 15 Precinct 2, Center Ward 15 Precinct 3, Ward 19 Precinct 1, Ward 19 Precinct 2, Ward 19 Precinct 3, Ward 19 Precinct 4, Ward 19 Precinct 5, Ward 19 Precinct 9, Ward 19 Precinct 10, Ward 19 Precinct 11, Ward 19 Precinct 12, Ward 24 Precinct 1, Ward 29 Precinct 1, Ward 29 Precinct 2, Ward 29 Precinct 3, Ward 29 Precinct 4, Ward 29 Precinct 16, Ward 29 Precinct 17, Ward 29 Precinct 23, Ward 29 Precinct 24, Ward 29 Precinct 26, Ward 29 Precinct 27, Ward 29 Precinct 29, Ward 29 Precinct 30, Pike Precinct 10, Pike Precinct 12, Pike Precinct 16, Pike Precinct 17, Pike Precinct 18, Pike Precinct 19, Pike Precinct 25, Pike Precinct 47, Pike Precinct, Washington Precinct 20, Washington Precinct 23, Washington Precinct 24, Washington Precinct 36, Washington Precinct 50, Washington Precinct 71, Washington Precinct 82

BLOCKS in Marion County: Block 2029, Block 2030, Block 2031, Block 2038, Block 2042, Block 2043, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049

Sec. 100. House District 100 consists of the following:

PRECINCTS in Marion County: Center Ward 2 Precinct 10, Center Ward 8 Precinct 4, Center Ward 9 Precinct 1, Center Ward 9 Precinct 2, Center Ward 9 Precinct 3, Center Ward 9 Precinct 5, Center Ward 9 Precinct 6, Center Ward 9 Precinct 7, Center Ward 9 Precinct 9, Center Ward 9 Precinct 10, Center Ward 9 Precinct 11, Center Ward 9 Precinct 12, Center Ward 9 Precinct 14, Center Ward 9 Precinct 16, Center Ward 10 Precinct 1, Center Ward 10 Precinct 2, Center Ward 10 Precinct 3, Center Ward 10 Precinct 4, Center Ward 10 Precinct 5, Center Ward 10 Precinct 6, Center Ward 10 Precinct 7, Center Ward 10 Precinct 8, Center Ward 10 Precinct 9, Center Ward 10 Precinct 10, Center Ward 11 Precinct 1, Center Ward 11 Precinct 2, Center Ward 13 Precinct 12, Center Ward 15 Precinct 1, Center Ward 16 Precinct 1, Center Ward 16 Precinct 2, Center Ward 16 Precinct 3, Center Ward 16 Precinct 5, Center Ward 16 Precinct 6, Center Ward 16 Precinct 7, Center Ward 16 Precinct 8, Center Ward 16 Precinct 10, Center Ward 16 Precinct 11, Ward 18 Precinct 2, Ward 18 Precinct 3, Ward 18 Precinct 4, Ward 18 Precinct 5, Ward 18 Precinct 6, Ward 18 Precinct 7, Ward 18 Precinct 8, Ward 18 Precinct 9, Ward 18 Precinct 10, Ward 18 Precinct 11, Ward 18 Precinct 15, Center Ward 25 Precinct 1, Center Ward 25 Precinct 2, Center Ward 25 Precinct 3, Center Ward 25 Precinct 4, Center Ward 25 Precinct 6, Center Ward 25 Precinct 7, Center Ward 25 Precinct 8, Center Ward 25 Precinct 9, Center Ward 25 Precinct 10, Center Ward 25 Precinct 11, Center Ward 25 Precinct 12, Center Ward 25 Precinct 13, Center Ward 25 Precinct 14, Ward 28 Precinct 1, Ward 28 Precinct 2, Ward 28 Precinct 3, Ward 28 Precinct 5, Ward 28 Precinct 6

SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE NOVEMBER 5, 2002]: IC 2-1-6; IC 2-1-8.

SECTION 4. [EFFECTIVE JULY 1, 2001] (a) IC 2-1-10, as added by this act, applies to primary and general elections held after January 1, 2002.

(b) This SECTION expires January 1, 2003."

Delete pages 4 through 81.

Renumber all SECTIONS consecutively.

(Reference is to HB 1776 as printed April 9, 2001.)

BEHNING

Upon request of Representatives Behning and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 484: yeas 46, nays 53. Motion failed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:35 p.m. with the Speaker Pro Tempore in the Chair.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 471

Representative Klinker called down Engrossed Senate Bill 471 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 471-2)

Mr. Speaker: I move that Engrossed Senate Bill 471 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health, professions and occupations.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert: SECTION 1. IC 35-46-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 7. Offenses Against Persons Receiving Care

Sec. 1. As used in this chapter, "health care provider" means:

- (1) a hospital licensed under IC 16-21;
- (2) a health facility licensed under IC 16-28;
- (3) a housing services establishment that is required to file a disclosure statement under IC 12-15;
- (4) a continuing care retirement community that is required to file a disclosure statement under IC 23-2-4;
- (5) a home health agency licensed under IC 16-27;
- (6) a hospice licensed under IC 16-25;
- (7) an entity that provides licensed or certified health care professionals to:
 - (A) a health care provider; or
 - (B) a person who is in need of, or receives, professional health care services;
- (8) a community mental health center (as defined in IC 12-7-2-38);
- (9) a private psychiatric hospital licensed under IC 12-25;
- (10) a state institution (as defined in IC 12-7-2-184); or
- (11) a community residential facility for the developmentally disabled that is licensed under IC 12-28-5.

Sec. 2. This chapter does not apply to the following:

- (1) A gift or donation of money or other asset given to:
 - (A) a health care provider in the corporate name of the health care provider; or
 - (B) an entity that is organized under Section 501(c)(3) of the Internal Revenue Code.
- (2) A gift or loan of money or other asset given by a person who receives services from a health care provider to a member of the person's family who:
 - (A) is employed by a health care provider; or
 - (B) owns, wholly or jointly, a health care provider.
- (3) A bequest of personal property or devise of real property

made in an executable will as described in IC 29-1-5-5 to a health care provider, an owner, an employee, or an agent of a health care provider.

(4) The purchase of a security (as defined in IC 23-2-1-1) that is traded on a national or regional exchange.

(5) A gift or gratuity, not exceeding five hundred dollars (\$500) in the aggregate per year per protected person, to an employee of a health care provider.

(6) A gift or donation of money or other asset given to purchase or otherwise acquire a product, service, or amenity for the use, entertainment, or enjoyment of persons receiving services from a health care provider.

Sec. 3. (a) The following transactions are subject to the requirements of subsection (b):

(1) A gift, a donation, a loan, or an investment from a person who receives services from a health care provider to an owner, employee, or agent of the health care provider in the name of the owner, employee or agent.

(2) A loan or an investment from a person who receives services from a health care provider to the health care provider in the corporate name of the health care provider.

(b) A transaction under subsection (a) must be executed in writing and witnessed by two (2) disinterested parties. Each witness shall sign a document that describes the transaction in the presence of:

- (1) the person who makes the transaction; and
- (2) the other witness.

(c) A health care provider, or an owner, an employee, or an agent of a health care provider, who:

- (1) receives a gift, a donation, a loan, or an investment from a person who receives services from a health care provider; and
- (2) fails to conform with the requirements of subsection (b);

commits a Class A infraction. Without regard to the amount of the transaction, the court that imposes the penalty for the infraction violation may, upon the request of the prosecuting attorney, order the person to pay the amount received in violation of this section, plus interest from the date of the transaction, to the protected person or the estate of the protected person.

Renumber all SECTIONS consecutively.

(Reference is to ESB 471 as printed April 9, 2001.)

C. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 489

Representative Crooks called down Engrossed Senate Bill 489 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 489-1)

Mr. Speaker: I move that Engrossed Senate Bill 489 be amended to read as follows:

Page 4, between lines 9 and 10, begin a new paragraph and insert: "SECTION 2. IC 20-12-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The board of trustees of the state university shall be nine (9) in number. of whom Not more than two (2) excluding the student trustee appointed pursuant to IC 20-12-24-3.5; of the trustees appointed under IC 20-12-24-3 shall reside in the same county. and They and their successors shall be a body politic, with the style of "The Trustees of Indiana University"; in that name to sue and be sued; to elect one (1) of their number president; to elect a treasurer, secretary, and such other officers as they may deem necessary, to prescribe the duties and fix the compensation of such officers; to possess all the real and personal property of such university for its benefit; to take and hold, in their corporate name any real or personal property for the benefit of such institution; to expend the income of the university for its benefit; to declare vacant the seat of any trustee who shall absent himself from two (2) successive meetings of the board, or be guilty of any gross immorality or breach of the bylaws of the institution; to elect a president, such professors and other officers for such university as shall be necessary, and prescribe their duties and salaries; to employ other persons as necessary; to establish programs

of fringe benefits and retirement benefits for the university's officers, faculty, and other employees that may be supplemental to or in lieu of state retirement programs established by statute for public employees; to prescribe the course of study and discipline and price of tuition in such university; and to make all bylaws necessary to carry into effect the powers hereby conferred."

Page 18, line 4, delete ",."

Page 27, line 13, after "(24)" insert "Articles of correction".

Renumber all SECTIONS consecutively.

(Reference is to ESB 489 as printed April 6, 2001.)

KRUZAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 486

Representative Lytle called down Engrossed Senate Bill 486 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 486-4)

Mr. Speaker: I move that Engrossed Senate Bill 486 be amended to read as follows:

Page 3, line 2, after "physicians, nurses and dentists" insert "**optometrists, chiropractors and psychologists**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 486 as printed April 6, 2001.)

LYTLE

Motion prevailed.

HOUSE MOTION (Amendment 486-5)

Mr. Speaker: I move that Engrossed Senate Bill 486 be amended to read as follows:

Page 3, line 2, after "physicians, nurses and dentists" insert "**optometrists, podiatrists and chiropractors**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 486 as printed April 6, 2001.)

LYTLE

Motion prevailed.

HOUSE MOTION (Amendment 486-2)

Mr. Speaker: I move that Engrossed Senate Bill 486 be amended to read as follows:

Page 2, line 37, after "9." insert "(a)".

Page 2, between lines 40 and 41, begin a new paragraph and insert:

"(b) When reviewing an appeal of a denial of a license renewal, the executive director of the agency may disregard any rule adopted under IC 4-22-2. However, the executive director may not disregard any statutory requirement under IC 25."

(Reference is to ESB 486 as printed April 6, 2001.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 501

Representative C. Brown called down Engrossed Senate Bill 501 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 501-1)

Mr. Speaker: I move that Engrossed Senate Bill 501 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert:
"SECTION 2. IC 20-9.1-4-4.5, AS ADDED BY P.L.51-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. (a) As used in this section, "committee" refers to the state school bus committee created by this chapter.

(b) The committee shall adopt and enforce rules under IC 4-22-2 to require that each new school bus operated by or on behalf of a school corporation bear

(1) the name of the school district on the top of the school bus; and

(2) the number of the school district on the back of the school bus in black letters that are between four (4) inches and six (6) inches high."

Renumber all SECTIONS consecutively.

(Reference is to ESB 501 as printed April 9, 2001.)

GOODIN

Upon request of Representatives Ulmer and Whetstone, the Speaker ordered the roll of the House to be called. Roll Call 485: yeas 74, nays 17. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 506

Representative Dvorak called down Engrossed Senate Bill 506 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 518

Representative L. Lawson called down Engrossed Senate Bill 518 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 518-3)

Mr. Speaker: I move that Engrossed Senate Bill 518 be amended to read as follows:

Page 11, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 12. IC 16-18-2-307.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 307.5. "Rape crisis center", for purposes of IC 16-19-13-6, has the meaning set forth in IC 16-19-13-6(a).

SECTION 13. IC 16-19-13-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and supportive services, from the onset of need for services through the completion of healing, to victims of sexual assault.

(b) The sexual assault victims assistance fund is established. The office shall administer the fund to provide financial assistance to rape crisis centers. Money in the fund must be distributed to a statewide nonprofit corporation whose primary purpose is pursuing the eradication of sexual violence in Indiana. The nonprofit corporation shall allocate money in the fund among the rape crisis centers. The fund consists of:

- (1) amounts transferred to the fund under IC 33-19-6-18.2;**
- (2) any appropriations to the fund from other sources;**
- (3) grants, gifts, and donations intended for deposit in the fund; and**
- (4) interest that accrues from money in the fund.**

(c) The expenses of administering the fund shall be paid from money in the fund. The office shall designate not more than ten percent (10%) of the appropriation made each year to the nonprofit corporation for program administration.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 15, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 18. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.**
- (2) A marijuana eradication program fee.**

- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A sexual assault victims assistance fee.**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant."

Page 16, between lines 2 and 3, begin a new paragraph and insert: "SECTION 20. IC 33-19-6-18.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18.2. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) against an individual convicted in Indiana of any of the following offenses after June 30, 2001:

- (1) Rape (IC 35-42-4-1).**
- (2) Criminal deviate conduct (IC 35-42-4-2).**
- (3) Child molesting (IC 35-42-4-3).**
- (4) Child exploitation (IC 35-42-4-4(b)).**
- (5) Vicarious sexual gratification (IC 35-42-4-5).**
- (6) Child solicitation (IC 35-42-4-6).**
- (7) Child seduction (IC 35-42-4-7).**
- (8) Sexual battery (IC 35-42-4-8).**
- (9) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-46-1-3).**
- (10) Incest (IC 35-46-1-3).**

(c) The clerk shall transfer a fee collected under this section, within thirty (30) days after the fee is collected, to the office of women's health established by IC 16-19-13 for deposit by the office in the sexual assault victims assistance fund established under IC 16-19-13-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 518 as printed April 9, 2001.)

Upon request of Representatives Torr and Kruzan, the Speaker ordered the roll of the House to be called. Roll Call 486: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION (Amendment 518-4)

Mr. Speaker: I move that Engrossed Senate Bill 518 be amended to read as follows:

Page 11, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 12. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) An offender shall register with each local law enforcement authority having jurisdiction in the area where the offender resides or intends to reside for more than seven (7) days. The offender shall register not more than seven (7) days after the offender arrives at the place where the offender resides or intends to reside.

(b) Whenever an offender registers with a local law enforcement authority under subsection (a), the local law enforcement agency shall immediately notify the institute of the offender's registration.

(c) If required to do so under section 6(b) of this chapter, the local law enforcement authority with which an offender registers under this section shall submit to the institute a photograph of the offender. The photograph shall be included on the Internet site that is maintained for the sex and violent offender registry by the institute.

SECTION 13. IC 5-2-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The registration required under this chapter must include the following information:

- (1) The offender's full name, alias, date of birth, sex, race, height, weight, eye color, Social Security number, driver's license number, and home address.
- (2) A description of the offense for which the offender was convicted, the date of conviction, and the sentence imposed, if applicable.
- (3) **A recent photograph of the offender.**
- (4) Any other information required by the institute.

(b) The photograph required by subsection (a)(3) shall be provided:

- (1) by the offender; or**
- (2) by the law enforcement authority with which the offender registers under section 5 of this chapter, if the offender does not have a recent photograph.**

If the law enforcement authority provides the photograph, the offender shall reimburse the law enforcement authority for the cost of providing the photograph.

SECTION 14. IC 5-2-12-11, AS AMENDED BY P.L.214-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The institute shall make the sex and violent offender registry available on a computer disk. Each time the registry is updated under section 10 of this chapter, the institute shall send one (1) paper copy of the sex and violent offender registry to:

- (1) all school corporations (as defined in IC 20-1-6-1);
- (2) all nonpublic schools (as defined in IC 20-10.1-1-3);
- (3) a state agency that licenses individuals who work with children;
- (4) the state personnel department to screen individuals who may be hired to work with children;
- (5) all child care facilities licensed by or registered in the state of Indiana; and
- (6) other entities that:
 - (A) provide services to children; and
 - (B) request the registry.

(b) The institute shall publish the sex and violent offender registry on the Internet through the computer gateway administered by the intelnet commission under IC 5-21-2 and known as Access Indiana.

(c) A copy of the sex and violent offender registry provided:

- (1) on a computer disk;**
- (2) on the Internet; or**
- (3) to an entity under subsection (a)(5) or (a)(6) or published under subsection (b) may not (a);**

must include a recent photograph and the home address of an offender whose name appears in the registry."

Renumber all SECTIONS consecutively.
(Reference is to ESB 518 as printed April 9, 2001).

HERRELL

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Chair ruled the point was not well taken.

The question was on the motion of Representative Herrell. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 569

Representative Frizzell called down Engrossed Senate Bill 569 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 585

Representative Hasler called down Engrossed Senate Bill 585 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 585-1)

Mr. Speaker: I move that Engrossed Senate Bill 585 be amended to read as follows:

Page 2, line 29, delete ":".

Page 2, line 30, delete "(1)".

Page 2, line 31, delete ";" and insert ".".

Page 2, run in lines 29 through 31.

Page 2, delete line 32.

Page 3, delete lines 17 through 19, begin a new line block indented and insert:

"(3) has met the requirements of section 1 of this chapter, except for the requirement of section 1(a)(6) of this chapter."

Page 3, line 23, delete "earlier" and insert "earliest".

Page 3, line 25, delete "or".

Page 3, line 27, delete "." and insert "; or

(3) ninety (90) days after the date of issuance."

Page 3, delete lines 28 through 35.

(Reference is to ESB 585 as printed April 9, 2001.)

MOSES

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 9

Representative Dvorak called down Engrossed Senate Bill 9 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 487: yeas 71, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 14

Representative Lytle called down Engrossed Senate Bill 14 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 488: yeas 93, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 46

Representative Sturtz called down Engrossed Senate Bill 46 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 489: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Bauer and Bosma were excused.

Engrossed Senate Bill 63

Representative Dvorak called down Engrossed Senate Bill 63 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 63-1)

Mr. Speaker: I move that Engrossed Senate Bill 63 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, line 7, delete "." and insert "**or a qualified medication aide as described in IC 16-28-1-11.**"

(Reference is to ESB 63 as printed April 6, 2001.)

DVORAK

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 63, begs leave to report that said bill has been amended as directed.

DVORAK

Report adopted.

The question then was, Shall the bill pass?

Roll Call 490: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bosma was present.

Engrossed Senate Bill 474

Representative Dvorak called down Engrossed Senate Bill 474 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 491: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 71

Representative Tinch called down Engrossed Senate Bill 71 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 492: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was present; Representative Saunders was excused.

Engrossed Senate Bill 79

Representative Klinker called down Engrossed Senate Bill 79 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 493: yeas 92, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 273

Representative Weinzapfel called down Engrossed Senate Bill 273 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 494: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON SECOND READING

By consent, the House returned to Senate bills on second reading.

Engrossed Senate Bill 231

Representative Kersey called down Engrossed Senate Bill 231 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 231-2)

Mr. Speaker: I move that Engrossed Senate Bill 231 be amended to read as follows:

Page 8, delete lines 8 through 42.

Page 9, delete lines 1 through 19.

(Reference is to SB 231 as printed April 6, 2001.)

WHETSTONE

Motion prevailed.

HOUSE MOTION (Amendment 231-4)

Mr. Speaker: I move that Engrossed Senate Bill 231 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 4-12-8-2, AS ADDED BY P.L.21-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana prescription drug fund is established for the purpose of providing access to needed prescription drugs to ensure the health and welfare of Indiana's low-income senior citizens. The fund consists of:

- (1) amounts to be distributed to the fund from the Indiana tobacco master settlement agreement fund;
- (2) appropriations to the fund from other sources;
- (3) grants, gifts, and donations intended for deposit in the fund; and
- (4) interest that accrues from money in the fund.

(b) The fund shall be administered by the budget agency. Expenses for administration and benefits under the Indiana

prescription drug program established under IC 12-10-16 and the Hoosier helping hand program established under IC 12-10-17 shall be paid from the fund. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(c) If the amounts in the fund are insufficient to pay all expenses for administration and benefits under the Indiana prescription drug program established under IC 12-10-16 and the Hoosier helping hand program established under IC 12-10-17 for a particular year, the lesser of:

- (1) thirty-five million dollars (\$35,000,000) minus other funds appropriated to the fund; or
- (2) the amount of the deficiency;

shall be transferred to the fund from the Indiana tobacco master settlement agreement fund for those purposes, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. Amounts necessary to make any transfers required under this subsection are appropriated from the Indiana tobacco master settlement agreement fund.

SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.273-1999, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule jointly adopted by the water pollution control board and the budget agency under IC 13-18-13-18.
- (9) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (10) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.
- (11) An emergency rule adopted by the Indiana transportation finance authority under IC 8-21-12.
- (12) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (13) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (14) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:
 - (A) the variance procedures are included in the rules; and
 - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (15) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(16) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(17) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.

(18) An emergency rule adopted by the alcoholic beverage commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(19) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(20) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(21) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(22) An emergency rule adopted by the office of the secretary of family and social services under IC 12-10-17-6(b).

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, and IC 22-8-1.1-16.1, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(14), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. A rule adopted under subsection (a)(14) may be extended for two (2) extension periods. Except for a rule adopted under subsection (a)(14), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

⊕ (i) This section may not be used to readopt a rule under IC 4-22-2.5.

SECTION 3. IC 12-7-2-91, AS AMENDED BY P.L.14-2000, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 91. "Fund" means the following:

(1) **For purposes of IC 12-10-16, the meaning set forth in**

IC 12-10-16-1.

(2) For purposes of IC 12-10-17, the meaning set forth in IC 12-10-17-2.

(3) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

~~(2)~~ **(4) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.**

~~(3)~~ **(5) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.**

~~(4)~~ **(6) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.**

~~(5)~~ **(7) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.**

~~(6)~~ **(8) For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.**

~~(7)~~ **(9) For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.**

~~(8)~~ **(10) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.**

~~(9)~~ **(11) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.**

~~(10)~~ **(12) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.**

~~(11)~~ **(13) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.**

~~(12)~~ **(14) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.**

SECTION 4. IC 12-7-2-146, AS AMENDED BY P.L.273-1999, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 146. "Program" refers to the following:

(1) For purposes of IC 12-10-7, the adult guardianship services program established by IC 12-10-7-5.

(2) For purposes of IC 12-10-10, the meaning set forth in IC 12-10-10-5.

(3) For purposes of IC 12-10-16, the meaning set forth in IC 12-10-16-2.

(4) For purposes of IC 12-10-17, the meaning set forth in IC 12-10-17-3.

(5) For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-5.

SECTION 5. IC 12-10-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17. Hoosier Helping Hand Program

Sec. 1. (a) This chapter applies if a federal prescription drug assistance block grant program is established to provide financial assistance to Medicare beneficiaries as follows:

(1) For individuals whose family income is less than one hundred thirty-five percent (135%) of the federal income poverty level, one hundred percent (100%) of prescription drug expenses.

(2) For individuals whose family income is at least one hundred thirty-five percent (135%) but less than one hundred seventy-five percent (175%) of the federal income poverty level, fifty percent (50%) of prescription drug expenses.

(b) Notwithstanding subsection (a) and subject to the provisions of this chapter, this chapter applies if a federal prescription drug assistance block grant program is established to provide financial assistance to Medicare beneficiaries at income or assistance levels different than described in subsection (a).

Sec. 2. "Fund" refers to the Indiana prescription drug fund established under IC 4-12-8-2.

Sec. 3. "Program" refers to the Hoosier helping hand program developed under this chapter.

Sec. 4. (a) The office of the secretary shall develop and administer a program to provide needed prescription drugs to Indiana's low income senior citizens in conjunction with a federal prescription drug assistance program described in section 1 of this chapter.

(b) The program developed under this chapter must include the following:

(1) Use of federal block grant funds to provide financial

assistance to eligible individuals as provided under a federal prescription drug assistance program described in section 1 of this chapter.

(2) Use of money from the fund to provide additional financial assistance to eligible individuals, as provided under this chapter.

(3) Any other provision required under a federal prescription drug assistance program described in section 1 of this chapter.

(c) The program developed under this chapter may not use any non-federal funds to provide financial assistance to an individual whose family income:

(1) is at least one hundred thirty-five percent (135%) of the federal income poverty level, or at a level that qualifies the individual for federal assistance at the highest level provided under a federal prescription drug assistance program described in section 1 of this chapter; or

(2) is at least one hundred seventy-five percent (175%) of the federal income poverty level.

(d) Subject to available funding, the combination of federal and state assistance provided to an individual whose family income is at least one hundred thirty-five percent (135%) but less than one hundred seventy-five percent (175%) of the federal income poverty level, or at a level that qualifies the individual for the lowest level of assistance through the use of federal funds only under a federal prescription drug assistance program described in section 1 of this chapter, must be equal to the level of federal assistance provided to an individual whose family income is less than one hundred thirty-five percent (135%) of the federal income poverty level, or at a level that qualifies the individual for the highest level of assistance through the use of federal funds only.

(e) The program developed under this chapter must, to the extent allowed by a federal prescription drug assistance program described in section 1 of this chapter, require the payment of deductibles or copayments.

Sec. 5. The administrative expenses and benefit costs of the program shall be paid from the fund.

Sec. 6. (a) The office may adopt rules under IC 4-22-2 to implement the program.

(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement the program on an emergency basis.

Sec. 7. The program expires on the earlier of the following:

(1) December 31, 2004.

(2) The date on which the federal program described in section 1 of this chapter expires.

SECTION 6. IC 12-17.6-3-4, AS ADDED BY P.L.273-1999, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The office shall implement outreach strategies that build on community resources.

(b) Outreach strategies implemented by the office must include information regarding prescription drug assistance programs offered by pharmaceutical manufacturers that may be available to the parent of a child who is eligible to enroll in the program."

Delete pages 2 through 7.

Page 8, delete lines 1 through 7.

Page 8, line 8, delete "IC 27-8-28" and insert "IC 27-8-28.2".

Page 8, line 11, delete "28" and insert "28.2".

Page 9, after line 19, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of the secretary of family and social services established by IC 12-8-1-1.

(b) As used in this SECTION, "program" refers to the Hoosier helping hand program developed under IC 12-10-17, as added by this act.

(c) The office shall apply to the United States Department of Health and Human Services for approval of the program. The office shall submit the application required under this subsection not later than thirty (30) days after the effective date of a federal prescription drug assistance program described in IC 12-10-17-1, as added by this act.

(d) If a provision of this SECTION differs from the requirements of an application for approval of the program, the office shall submit

the application in a manner that complies with the application requirements. However, if the program is approved, the office shall apply within one hundred twenty (120) days after the program is approved for an amendment to the program that contains the provisions under this SECTION that were not included in the approved program.

(e) The office may not implement the program until the office files an affidavit with the governor attesting that the program has been approved by the United States Department of Health and Human Services. The office shall file the affidavit required under this subsection not later than five (5) days after the office is notified that the program is approved.

(f) If the office receives approval from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (e), the office shall implement the program not more than thirty (30) days after the governor receives the affidavit.

(g) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(h) This SECTION expires January 1, 2005.

SECTION 9. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 231 as printed April 6, 2001.)

MURPHY

Representative Kruzan rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Murphy's amendment (231-4) is not germane to Engrossed Senate Bill 231. Representative Murphy's amendment is germane, as required by Rule 80. The amendment provides for payment of prescription drugs for needy seniors. The constitutional test for germaneness does not include an arbitrary provision that an appropriation amendment cannot be amended into a non-appropriations bills, as ruled by the Chair.

MURPHY
BOSMA

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 495: yeas 52, nays 44. The ruling of the Chair was sustained.

There being no further amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 104

Representatives Weinzapfel, Avery, Becker, and Hasler introduced House Concurrent Resolution 104:

A CONCURRENT RESOLUTION honoring the women's unified basketball team of Harrison High School, Evansville, Indiana, for finishing first in women's division II of the Special Olympics Unified Sports state basketball championship.

Whereas, Unified Sports is part of the Special Olympics program;

Whereas, The goal of the Unified Sports program is to partner athletes without disabilities with athletes who possess disabilities in a setting where all athletes are challenged to improve their skills;

Whereas, Rules of unified basketball state that teams on the floor must have three special education athletes and two partners;

Whereas, The unified basketball season is six to eight weeks long, with one practice and one game per week;

Whereas, Unified basketball teaches the athletes the value of competition, discipline, and how to deal with other people; and

Whereas, The members of the women's unified basketball team of

Harrison High School worked extremely hard and learned valuable lessons that will remain with them throughout their lives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the women's unified basketball team of Harrison High School for finishing first in women's division II of the Special Olympics Unified Sports state basketball championship and to wish team members continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the team, the coaches, the principal of Harrison High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators L. Lutz and Server.

House Concurrent Resolution 105

Representatives Weinzapfel, Avery, Becker, and Hasler introduced House Concurrent Resolution 105:

A CONCURRENT RESOLUTION honoring the women's unified basketball team of Reitz High School, Evansville, Indiana, for finishing first in women's division I of the Special Olympics Unified Sports state basketball championship.

Whereas, Unified Sports is part of the Special Olympics sports;

Whereas, The goal of the unified sports program is to partner athletes without disabilities with athletes who possess disabilities in a setting where all athletes are challenged to improve their skills;

Whereas, Rules of unified basketball state that teams on the floor must have three special education athletes and two partners;

Whereas, The unified basketball season is six to eight weeks long, with one practice and one game per week;

Whereas, Unified basketball teaches the athletes the value of competition, discipline, and how to deal with other people; and

Whereas, The members of the women's unified basketball team of Reitz High School worked extremely hard and learned valuable lessons that will remain with them throughout their lives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the women's unified basketball team of Reitz High School for finishing first in women's division I of the Special Olympics Unified Sports state basketball championship and to wish team members continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members April Smith, Jenny Waitt, Ashley Smith, Sabrina Reef, Patty Miseraca, Kelly Hoffmann, Melissa Fehr, Amanda Barker, Samantha Barker, Monique Ivy, Jessica Carpenter, and Lindsey Kissel, coach Jana Schlosser, the principal of Reitz High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators L. Lutz and Server.

House Concurrent Resolution 106

Representatives Welch and Kruzan introduced House Concurrent Resolution 106:

A CONCURRENT RESOLUTION memorializing Lloyd Olcott.

Whereas, Lloyd Olcott, one of Bloomington's most beloved public figures, died of a heart attack at the age of 73;

Whereas, Greatly loved by Democrats and Republicans alike, Lloyd Olcott always placed the welfare of the community ahead of any partisan issue;

Whereas, Lloyd Olcott was born November 3, 1927, in Bowling Green, Kentucky;

Whereas, After receiving his business degree from Butler University, Lloyd Olcott made Bloomington his home;

Whereas, Lloyd's first job was as the manager of the University Outdoor Advertising Company, a job he held until the company merged with the Hoosier Outdoor Advertising Company in 1969;

Whereas, In 1961, Lloyd was appointed by Mayor Thomas Lemon to the Bloomington Parks and Recreation Board, on which he served until he was elected to the city council in 1975;

Whereas, Lloyd Olcott was dubbed "Mr. Parks" due to his lifetime of work in the parks program;

Whereas, Lloyd Olcott served on the Bloomington City Council from 1975 until 1991;

Whereas, Lloyd Olcott's service to the community was recognized in 1998 when a new 40 acre city park and a city street were named in his honor; the Olcott Center for Breast Health at Bloomington Hospital was also named for him because his \$50,000 donation helped to build the center;

Whereas, In 1979, Lloyd Olcott was recognized by his alma mater when he received the Butler Medal for his distinguished service to the state of Indiana;

Whereas, Always a sports fan, Lloyd Olcott played baseball at Greenwood High School, served as an Indiana high school football referee for more than 30 years, could be seen on the sideline crew at Indiana University home football games for years, and enjoyed attending professional baseball training camps in Florida; and

Whereas, The death of Lloyd Olcott leaves a huge void in the hearts of all who knew him, and he will be greatly missed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to extend its heartfelt sympathy to the family of Lloyd Olcott and express its appreciation for his many contributions to the state of Indiana and the Bloomington area.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to his wife, Joan Le Bien Olcott, and their three daughters.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Simpson.

House Concurrent Resolution 107

Representatives Weinzapfel, Avery, Becker, and Hasler introduced House Concurrent Resolution 107:

A CONCURRENT RESOLUTION honoring the boys junior unified basketball team of Glenwood Middle School, Evansville, Indiana, for finishing first in boys division II of the Special Olympics Unified Sports state basketball championship.

Whereas, Unified Sports is part of the Special Olympics program;

Whereas, The goal of the unified sports program is to partner athletes without disabilities with athletes who possess disabilities in a setting where all athletes are challenged to improve their skills;

Whereas, Rules of unified basketball state that teams on the floor must have three special education athletes and two partners;

Whereas, The unified basketball season is six to eight weeks long, with one practice and one game per week;

Whereas, Unified basketball teaches the athletes the value of competition, discipline, and how to deal with other people; and

Whereas, The members of the boys junior unified basketball team of Glenwood Middle School worked extremely hard and learned valuable lessons that will remain with them throughout their lives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the boys junior unified basketball team of Glenwood Middle School for finishing first in boys division II of the Special Olympics Unified Sports state basketball championship and to wish team members continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the team, the coach, the principal of Glenwood Middle School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Server and L. Lutz.

House Concurrent Resolution 108

Representatives Weinzapfel, Avery, Becker, and Hasler introduced House Concurrent Resolution 108:

A CONCURRENT RESOLUTION honoring the boys junior unified basketball team of McGary Middle School, Evansville, Indiana, for finishing first in boys division I of the Special Olympics Unified Sports state basketball championship.

Whereas, Unified Sports is part of the Special Olympics program;

Whereas, The goal of the Unified Sports program is to partner athletes without disabilities with athletes who possess disabilities in a setting where all athletes are challenged to improve their skills;

Whereas, Rules of unified basketball state that teams on the floor must have three special education athletes and two partners;

Whereas, The unified basketball season is from six to eight weeks long, with one practice and one game per week;

Whereas, Unified basketball teaches the athletes the value of competition, discipline, and how to deal with other people; and

Whereas, The members of the boys junior unified basketball team of McGary Middle School worked extremely hard and learned valuable lessons that will remain with them throughout their lives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the boys junior unified basketball team of McGary Middle School for finishing first in boys division I of the Special Olympics Unified Sports state basketball championship and to wish team members continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the team, the coach, the principal of McGary Middle School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Server and L. Lutz.

House Resolution 88

Representative Hasler introduced House Resolution 88:

A RESOLUTION urging the establishment of an interim study committee on sales tax exemptions for the arts.

Whereas, Several states have established art districts in historic areas as a means to encourage revitalization; and

Whereas, The establishment of art districts has resulted in increased development of loft apartments in unused downtown second stories, the return of citizens living in the downtown area, the rehabilitation of properties, and increased property values: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study sales tax exemptions for the arts.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote.

House Resolution 89

Representative Lytle introduced House Resolution 89:

A RESOLUTION honoring John Burkhardt on the occasion of his 100th birthday.

Whereas, On May 1, 2001, John Burkhardt will be 100 years old;

Whereas, John Burkhardt is the oldest living volunteer fireman in Indiana serving on the oldest volunteer fire company, the Fairplay Fire Company No. 1;

Whereas, On March 16, 2001, John Burkhardt had served as a volunteer fireman for 70 years;

Whereas, John Burkhardt also served as the fire chief at Jefferson County Proving Ground until it closed; and

Whereas, John Burkhardt has served the citizens of Madison and the state of Indiana faithfully for 70 years, providing outstanding and committed service as a volunteer fireman: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate John Burkhardt on the occasion of his 100th birthday.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to John Burkhardt and his family and to Fairplay Fire Company No. 1.

The resolution was read a first time and adopted by voice vote.

House Resolution 90

Representative Cook introduced House Resolution 90:

A RESOLUTION honoring the Plymouth High School, Plymouth, Indiana, speech team for winning its fifth consecutive state title.

Whereas, The speech team from Plymouth High School won its fifth consecutive state title;

Whereas, The ability to speak clearly and precisely is a commendable and highly sought after skill;

Whereas, Students who possess this skill will gain the admiration and respect of their peers and elders;

Whereas, Competitive speaking is a way for students to gain valuable exposure to the world that looms in their futures;

Whereas, The students who participate in Plymouth High School speech team competitions are preparing themselves for a bright future; and

Whereas, Success at this level requires hours of hard work and dedication, and it is fitting that these fine students should be recognized for their accomplishments: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to commend the Plymouth High School speech team on its championship at the state finals and to wish the members continued success.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to state finalist competitors Andy Atkins, Sam Hawes, Mindy Poor, Nathaniel Smith, Regina Warren, Brandy Burkholder, Ryan Creech, Heidi Dixon, Lisa Dixon, Kate Georgen, Graham Hintz, Ryan Howell, Mike Hutnik, Amy Kelley, Margie Kreighbaum, Greg Schafer, Sarah Heazel, Mark Amones, Katie Anders, Habib Bakshi, Jodie Carlberg, Sam Elloinger,

Adam Gifford, Jill Gretter, Alex Hollett, Devin Kindt, Brent Kinney, Rob Lappin, David Phillips, Sania Rana, Ashley Holmes, and Tyler Langdon; state alternates Greg Anders, Rachael Caslow, Natasha Norris, Amy Carlson, Brittany Hupka, Rick Harris, Brad Cook, Jesi Pickens, and Stacey Snare; coaches Carol Anders, Elisabeth Lowry, David McKenzie, Jane Nelson, Kelly Reinholt, Charlotte Tyree, and Dan Tyree, the principal of Plymouth High School; and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 10:20 p.m. with the Speaker in the Chair.

Representative Saunders was present; Representative Crosby was excused for the rest of the day.

OTHER BUSINESS ON THE SPEAKER'S TABLE

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative V. Smith's second reading amendment to Engrossed Senate Bill 165), Roll Call 481, on April 11, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to reach the button. I intended to vote Nay."

DUNCAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 481 to 31 yeas, 63 nays. The corrected roll call is printed with this Journal.]*

HOUSE MOTION

Mr. Speaker: I move that Representative Atterholt be added as cosponsor of Engrossed Senate Bill 93.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as cosponsor of Engrossed Senate Bill 152.

STURTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Behning and Robertson be added as cosponsors of Engrossed Senate Bill 165.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dillon be added as cosponsor of Engrossed Senate Bill 337.

HASLER

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 25

Representative Dobis called down Engrossed Senate Bill 25 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 496: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 93

Representative Weinzapfel called down Engrossed Senate Bill 93 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 497: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 104

Representative Dvorak called down Engrossed Senate Bill 104 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 498: yeas 53, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 110

Representative Budak called down Engrossed Senate Bill 110 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning children.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 110-3)

Mr. Speaker: I move that Engrossed Senate Bill 110 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 3, line 33, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2001]".

Page 4, line 4, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2001]".

Page 4, line 9, delete "subsection (c)," and insert "IC 12-17.2-5-6.3(b),".

Page 4, between lines 17 and 18, begin a new paragraph and insert: "SECTION 6. IC 12-17.2-5-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6.3. (a) To qualify for a license to operate a class I child care home under this chapter, a person must do the following:**

(1) **Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.**

(2) **Provide documentation to the division that the licensee:**

(A) **has completed;**

(B) **is enrolled in; or**

(C) **agrees to complete within the next three (3) years;**

a child development associate credential program or a similar program approved by the division.

The division may grant a waiver or variance of the requirement under subdivision (2)."

Page 4, line 18, delete "(c)" and insert "(b)".
 Page 4, line 18, after "A" insert "class I".
 Page 4, triple block indent lines 35 through 40.
 Page 5, delete lines 3 through 16.
 Page 5, line 18, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2001]".
 Page 6, line 25, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2001]".
 Page 6, line 25, delete "The amendments" and insert "**IC 12-17.2-5-6.3(a), as added**".
 Page 6, line 26, delete "made".
 Page 6, line 26, delete "act to IC 12-7-2-33.7 do" and insert "**act, does**".
 Renumber all SECTIONS consecutively.
 (Reference is to ESB 110 as reprinted April 10, 2001.)

BUDAK

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 110, begs leave to report that said bill has been amended as directed.

BUDAK

Report adopted.

The question then was, Shall the bill pass?

Roll Call 499: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 561

Representative Crawford called down Engrossed Senate Bill 561 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 561-7)

Mr. Speaker: I move that Engrossed Senate Bill 561 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 17, line 3, delete "2001]" and insert "2001 (RETROACTIVE)]".
 Page 17, line 13, delete "12-17.7-4" and insert "**12-17.7-1-4**".
 Page 28, line 34, delete "to".
 Page 31, line 3, delete "(e)," and insert "(d),".
 Page 31, line 35, after "2001" insert ",".
 Page 37, line 6, after "provide" insert "**to the county office any**".
 Page 39, line 31, delete "12-16.1-10" and insert "**12-16.1-9**".
 Page 44, line 22, after "parent," insert "**a**".
 Page 44, line 22, after "grandparent," insert "**a**".
 Page 45, line 1, delete "the" and insert "**an**".
 Page 45, line 2, delete "the" and insert "**an**".
 Page 48, line 23, after "periods" delete "that" and insert "**, which**".
 Page 48, line 24, after "months" insert ",".
 (Reference is to ESB 561 as reprinted April 10, 2001.)

CRAWFORD

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 561, begs leave to report that said bill has been amended as directed.

CRAWFORD

Report adopted.

HOUSE MOTION
(Amendment 561-6)

Mr. Speaker: I move that Engrossed Senate Bill 561 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 3, between lines 2 and 3, begin a new paragraph and insert:

(23) An emergency rule adopted by the office of the secretary of family and social services to implement a Medicaid waiver for adult foster care, assisted living, or adult day care services.

Page 4, between lines 10 and 11, begin a new paragraph and insert:
SECTION 2. P.L. 100-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The office of the secretary of family and social services shall develop and submit to the federal Health Care Financing Administration proposals to do the following:

- (1) Fund adult foster care and assisted living services through the Medicaid waiver program.
- (2) Expand adult day care services available through the aged and disabled Medicaid waiver.

(b) The proposals under subsection (a) must be reviewed by the community and home options to institutional care for the elderly and disabled (CHOICE) board established under IC 12-10-11 before the proposals are submitted to the federal Health Care Financing Administration regarding the following:

- (1) The definitions of adult foster care and assisted living.
- (2) The number of individuals to be served by each waiver.
- (3) The schedule of services to be delivered to individuals served by each waiver.
- (4) Consumer eligibility standards established for each waiver.
- (5) The means for expanding adult day care services.
- (6) The number of individuals to be served by expanded adult day care services.
- (7) Administrative oversight standards for each waiver described in this SECTION.

(c) The office of the secretary of family and social services must receive input from affected providers and consumers when drafting the language of applications for Medicaid waivers described in this SECTION.

(d) The office of the secretary of family and social services may submit the proposals described in this SECTION to the federal Health Care Financing Administration as amendments to existing waivers.

(e) The proposals described in this SECTION must be submitted to the federal Health Care Financing Administration before October 1, 2000.

(f) The office of the secretary of family and social services shall report to the legislative council, the governor, and the CHOICE board before January 1, 2001, regarding implementation of the provisions of this SECTION.

(g) **The office of the secretary of family and social services may not implement a waiver until the office files an affidavit with the governor attesting that the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.**

(h) **If the office of the secretary of family and social services receives a waiver under this SECTION from the federal Health Care Financing Administration and the governor receives the affidavit filed under subsection (g), the office shall implement the waiver not more than sixty (60) days after the governor receives the affidavit.**

(i) **The office of the secretary of family and social services shall adopt standards that an entity must meet in order to provide services under a waiver required by this SECTION.**

(j) **The office of the secretary of family and social services shall approve an entity that meets the standards described in subsection (i).**

(k) **The office of the secretary of family and social services shall adopt rules under IC 4-22-2 to implement the waiver required by this SECTION.**

(l) **The office of the secretary of family and social services may adopt emergency rules under IC 4-22-2-37.1 to implement the waiver required under this SECTION on an emergency basis.**

(m) This SECTION expires January 1, ~~2002~~ **2006**.
SECTION 3. An emergency is declared for this act.
 Renumber all SECTIONS consecutively.
 (Reference is to ESB 561 as reprinted April 10, 2001.)

CRAWFORD

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 561, begs leave to report that said bill has been amended as directed.

CRAWFORD

Report adopted.

The question then was, Shall the bill pass?

Roll Call 500: yeas 82, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 255

Representative Sturtz called down Engrossed Senate Bill 255 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 501: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 141

Representative Moses called down Engrossed Senate Bill 141 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 502: yeas 80, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 153

Representative Lytle called down Engrossed Senate Bill 153 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 503: yeas 88, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 154

Representative Lytle called down Engrossed Senate Bill 154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 504: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 160

Representative Lytle called down Engrossed Senate Bill 160 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 505: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 171

Representative Klinker called down Engrossed Senate Bill 171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 506: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 176

Representative Lytle called down Engrossed Senate Bill 176 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

(Amendment 176-6)

Mr. Speaker: I move that Engrossed Senate Bill 176 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 3, line 10, strike "his" and insert "**the taxpayer's**".
 Page 6, line 32, delete "the" and insert "**The**".
 Page 6, line 34, delete "default; and" and insert "**default**".
 Page 6, line 35, delete "the" and insert "**The**".
 Page 11, line 39, after "changes" delete ",".
 Page 11, line 39, strike "which" and insert "**that**".
 Page 20, line 38, delete "account's" and insert "**accounts**".
 Page 21, line 3, delete "account's" and insert "**accounts**".
 Page 21, line 9, delete "account's" and insert "**accounts**".
 Page 21, line 12, delete "account's" and insert "**accounts**".
 Page 21, line 23, delete "account's" and insert "**accounts**".
 Page 21, line 33, delete "account's" and insert "**accounts**".
 Page 21, line 40, delete "account's" and insert "**accounts**".
 Page 22, line 1, delete "account's" and insert "**accounts**".
 (Reference is to ESB 176 as reprinted April 11, 2001.)

LYTLE

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 176, begs leave to report that said bill has been amended as directed.

LYTLE

Report adopted.

The question then was, Shall the bill pass?

Roll Call 507: yeas 86, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 350

Representative Cook called down Engrossed Senate Bill 350 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 350-8)

Mr. Speaker: I move that Engrossed Senate Bill 350 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, line 20, delete "JULY " and insert "JANUARY".

Page 2, line 20, delete "2001]" and insert "2003]".

Page 2, line 24, after "(3)", insert "**If the person to whom the former prisoner of war license plate is issued is otherwise entitled to a license plate for a person with a disability issued under IC 9-18-22,**".

Page 2, between lines 25 and 26, begin a new line blocked left and insert:

"A license plate bearing the official international wheelchair symbol issued to a former prisoner of war under subdivision (3) shall be considered to have been issued under IC 9-18-22."

Page 2, line 27, delete "JULY " and insert "JANUARY".

Page 2, line 27, delete "2001]" and insert "2003]".

Page 2, line 28, delete "May" and insert "may".

Page 2, line 30, delete "The" and insert "**may design and issue**".

Page 2, line 30, after "plates" insert "**that**".

Page 2, line 31, delete "symbol;" and insert "**symbol, if the person to whom the disabled veteran license plate is issued is otherwise entitled to a license plate for a person with a disability issued under IC 9-18-22;**".

Page 2, line 32, delete "Shall" and insert "shall".

Page 2, line 36, after "bureau" insert ":",

Page 2, line 37, after "may" begin a new line block indented and insert:

"(1)".

Page 2, line 37, delete ":",

Page 2, line 38, delete "(1)".

Page 2, run in lines 37 and 38.

Page 2, line 40, delete "group." and insert "group;".

Page 2, line 40, reset in roman "and".

Page 2, line 41, after "(2)" insert "**provide the bureau with**".

Page 3, line 1, strike "and".

Page 3, line 2, after "plate" delete "." and insert "**; and**".

(Reference is to ESB 350 as reprinted April 11, 2001.)

COOK

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 350, begs leave to report that said bill has been amended as directed.

COOK

Report adopted.

The question then was, Shall the bill pass?

Roll Call 508: yeas 51, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Representative Mock was excused for the rest of the day.

Engrossed Senate Bill 188

Representative Gregg called down Engrossed Senate Bill 188 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 188-2)

Mr. Speaker: I move that Engrossed Senate Bill 188 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Delete page 1, lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 15.

Page 4, delete line 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 188 as reprinted April 3, 2001.)

GREGG

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 188, begs leave to report that said bill has been amended as directed.

GREGG

Report adopted.

The question then was, Shall the bill pass?

Roll Call 509: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 199

Representative Tinchler called down Engrossed Senate Bill 199 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 510: yeas 57, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 333

Representative Crawford called down Engrossed Senate Bill 333 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 333-2)

Mr. Speaker: I move that Engrossed Senate Bill 333 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-4-11-16.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON

PASSAGE]: Sec. 16.7. (a) The following funds shall be deposited in the business development loan fund established under section 16.5 of this chapter:

- (1) Proceeds of bonds sold to or loans made to the authority by the board for depositories under IC 5-13-12-12.
- (2) Any fees received by the authority in connection with the making of loans and loan guaranties under this section.

Deposits made under this subsection are in addition to other amounts deposited in the fund under section 16.5(a) of this chapter.

(b) In addition to its powers under section 16.5 of this chapter, and subject to subsection (d), the authority may make a loan or loan guaranty from the business development loan fund to a business located in Indiana if the authority makes a written finding that the loan or loan guaranty would accomplish the purposes of this chapter by enabling the business to carry out an industrial development project that will do any of the following:

- (1) Improve the technological capacity or productivity of the business.
- (2) Enhance the protection of Indiana's environment.
- (3) Permit the business to expand facilities, establish new facilities, or make site improvements or infrastructure improvements.

(c) In addition to its powers under section 16.5 of this chapter, and subject to subsection (d), the authority may make a loan or loan guaranty from the business development loan fund to a business located outside Indiana affecting a leading Indiana business, if:

- (1) the authority makes a written finding that the loan or loan guaranty would accomplish the purposes of this chapter by enabling the business to carry out an industrial development project that will:

- (A) improve the technological capacity or productivity of the leading Indiana business;
- (B) enhance the protection of Indiana's environment;
- (C) permit the leading Indiana business to expand facilities, establish new facilities, or make site or infrastructure improvements; or
- (D) permit a leading Indiana business to preserve or retain jobs, prevent economic insecurity resulting from unemployment or environmental pollution, or otherwise preserve the health, safety, morals, and general welfare of the state or the area of the state where the leading Indiana business is headquartered; and

- (2) the general assembly has provided for the making of the loan or loan guaranty by specifically authorizing the making of the loan or loan guaranty in the appropriation act and the loan or loan guarantee is approved by the budget agency after review by the budget committee.

(d) With respect to any loan or loan guaranty made under this section, a loan or loan guaranty agreement with the authority must contain the following terms:

- (1) If a loan is made, a requirement that the loan proceeds be used for specified purposes consistent with and in furtherance of the purposes of the authority under this chapter, or if a loan guaranty is made, a requirement that the proceeds of the loan guaranteed be used for specified purposes consistent with and in furtherance of the purposes of the authority under this chapter.
- (2) The term of the loan or loan guaranty, which must not be later than ten (10) years from the date of the loan or loan guaranty.
- (3) If a loan is made, the repayment schedule for the loan.
- (4) If a loan is made, the interest rate or rates of the loan, which may include variations in the rate, but that may not be less than the amount necessary to cover all costs and expenses of the authority in making the loan.
- (5) Any other terms and provisions that the authority requires, including, subject to subsection (h), collateral or security requirements for the loan or loan guaranty.

(e) Notwithstanding any other law, including IC 5-13-12, the authority may borrow money from the board for depositories from time to time, and issue its bonds as evidence of the loans, for the

purposes of funding the business development loan fund and making loans to businesses under this section. Bonds sold to the board for depositories and loans received from the board for depositories shall be on the terms and subject to the provisions agreed to by the authority and the board for depositories in bond purchase agreements or loan agreements, which must include provisions stating that any bond issued by the authority or any loan received by the authority under this subsection shall not constitute a debt, liability, or obligation of the state, or a pledge or lending of credit of the faith and credit of the state, but shall be payable solely as provided in the bond purchase agreement or loan agreement, including the repayment proceeds of loans made by the authority from the business development loan fund. This subsection is all the authority the authority needs to issue bonds to, and receive loans from, the board for depositories, and to enter into bond purchase agreements and loan agreements. However, the authority may not issue bonds under this subsection unless the general assembly has provided for the issuance of the bonds by specifically authorizing the issuance of the bonds in the appropriation act, and the issuance of the bonds is approved by the budget agency after review by the budget committee.

(f) As used in this section, "leading Indiana business" means a business that:

- (1) is headquartered in a county having a population of more than sixty thousand (60,000) but less than sixty-four thousand (64,000);
- (2) is a Fortune 500 company, as of April 16, 2001, when ranked by measures of revenues, profits, assets, stockholders' equity, market value, profit and total return to investors;
- (3) pays wages at levels that are not less than two hundred percent (200%) of the county average wage, calculated by the Indiana department of commerce, paid in the county in which the business is headquartered; and
- (4) is a global business participating in international markets.

(g) As used in this section, "loan" includes any financing lease of personal property owned by the authority to a business described in this section.

(h) The authority must be collateralized or secured on the same basis as a lender providing commercial or other conventional financing for the industrial development project or a related project being undertaken in connection with the industrial development project, provided that, if in the authority's judgment it is necessary or desirable to assure better commercial or conventional financing terms and thereby better assure the success of the industrial development project or related project, the authority is authorized to accept a junior and subordinate collateral or security position. However, the authority's collateral or security position must be senior and prior to the collateral or security interest of another state participating in the industrial development project or related project. As used in this section, "another state" includes any authority, board, commission, or instrumentality of the other state and a political subdivision or other governmental or quasi-governmental unit of the other state. This subsection does not apply if the authority owns personal property and leases it to a business described in this section, under subsection (g).

(i) The aggregate principal amount of bonds, loans, and loan guaranties the authority may make under this section is limited to thirty-five million dollars (\$35,000,000).

(j) In addition to its other powers under this section, the authority may make a loan guaranty as contemplated by this section jointly with the board for depositories and, in addition to using moneys in the business development loan fund, the authority may use not more than two million dollars (\$2,000,000) of moneys in the industrial development guaranty fund to fund the joint loan guaranty.

(k) In addition to its other powers under section 15 of this chapter, the authority may:

- (1) sell and guarantee leases and loans; and
- (2) accept gifts, grants, or loans from, and enter into contracts or other transactions with, the United States, any state, any federal or state agency, municipality, person, private organization, or other source, whether located within or outside the state.

(l) In addition to the authority's public purposes stated in sections 2 and 15 of this chapter, assistance provided under this section to an industrial development project located outside the state is consistent with the authority's public purposes so long as the project significantly affects jobs in the state or certain areas of the state. The authority may enter into any agreements or contracts as necessary to carry out this section, including but not limited to contracts with another state or with an instrumentality or political subdivision of that state.

(m) This section is in addition to, and not in limitation of, the authority's other powers heretofore or hereafter existing under this chapter to borrow money, issue bonds, make contracts, guaranties, and loans, including leases, and use moneys in the business development loan fund or guaranty fund. The issuance of bonds and the making of loans and loan guaranties under this section need not comply with the requirements of any other state laws applicable thereto. No proceedings, notice, or approval shall be required for the issuance of any bonds or the making of any loans or loan guaranties or any instrument or the security therefor, except as specifically provided in this chapter. All industrial development projects for which funds are advanced, loaned, or otherwise provided by the authority under this section must be in compliance with any land use, zoning, subdivision, and other laws of this or any other state applicable to the land upon which the industrial development project is located or is to be constructed, but a failure to comply with these laws does not invalidate any bonds issued or loan or loan guaranty to finance an industrial development project.

(n) The general assembly finds that unique circumstances resulting from the globalization of the state's economy, the state's geographic location as the crossroads of America, and changes in federal environmental regulation create the need for the financing of leading Indiana businesses as provided in this section.

(o) This section expires July 1, 2002.

SECTION 2. IC 5-13-12-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) In addition to the authority given to the board for depositories in this chapter, and notwithstanding any other law, including sections 7 and 8 of this chapter, the board may buy bonds issued by the Indiana development finance authority or make loans to the Indiana development finance authority to fund the business development loan fund and to finance industrial development projects in accordance with IC 4-4-11. The term of bonds or loans shall not exceed ten (10) years. The board may not buy any bond or make any loan under this section unless:

- (1) the authority finds and certifies to the board for depositories that the related industrial development project is in furtherance of the purposes of the Indiana development finance authority and complies with IC 4-4-11; and
- (2) the general assembly has provided for the purchase of the bonds or the making of the loan by specifically authorizing the purchase of bonds or the making of the loan in the appropriation act and the purchase or loan is approved by the budget agency after review by the budget committee.

Bonds purchased by the board for depositories shall be on the terms and subject to the provisions agreed to by the board for depositories and the Indiana development finance authority in bond purchase agreements. Loans made by the board for depositories shall be on the terms and subject to the provisions agreed to by the board for depositories and the Indiana development finance authority in loan agreements. This section is all the authority the board for depositories needs to buy bonds issued by the Indiana development finance authority, to make loans to the Indiana development finance authority, and to enter into bond purchase agreements and loan agreements.

(b) In addition to the authority given to the board for depositories in this chapter, and notwithstanding any other law, including sections 7 and 8 of this chapter, the board may guaranty bonds issued by the Indiana development finance authority and loans and loan guaranties made by the Indiana development finance authority for industrial development projects in accordance with IC 4-4-11. In addition, the board for depositories may make a loan guaranty jointly with the Indiana development finance authority as provided by IC 4-4-11-16.7. The term of loan guaranties shall not exceed ten (10) years. The board may not make any loan guaranty under this section unless:

- (1) the authority finds and certifies to the board for depositories that the related industrial development project is in furtherance of the purposes of the Indiana development finance authority and complies with IC 4-4-11; and
- (2) the general assembly has provided for the guaranty by specifically authorizing the guaranty in the appropriation act and the guaranty is approved by the budget agency after review by the budget committee.

Loan guaranties made by the board for depositories shall be on the terms and subject to the provisions agreed to by the board for depositories and the Indiana development finance authority in loan guaranty agreements. This section is all the authority the board for depositories needs to make loan guaranties and to enter into guaranty agreements.

(c) The principal amount of bonds, loans, and loan guaranties the board for depositories may buy or make under this section is limited to thirty-five million dollars (\$35,000,000). A bond purchase agreement, a loan agreement, or a loan guaranty agreement made under this section does not constitute a debt, liability, or obligation of the state, or a pledge or lending of the faith and credit of the state, but shall be paid or provided for in the bond purchase agreement, loan agreement, or loan guaranty agreement and from the public deposit insurance fund as a special fund, and all such agreements shall contain therein a statement to the effect that the agreements are not obligations of the state of Indiana, or of any political subdivision thereof, but are payable solely as provided for in the agreements and from the public deposit insurance fund as a special fund.

(d) This section expires July 1, 2002."

Page 7, between lines 2 and 3, begin a new paragraph and insert: "SECTION 8. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding the expiration of IC 4-4-11-16.7, as added by this act, on July 1, 2002, any bonds issued and any loans or loan guaranties made by the Indiana development finance authority under that section before July 1, 2002, remain valid and binding obligations of the Indiana development finance authority after June 30, 2002, as if that section had not expired.

(b) Notwithstanding the expiration of IC 5-13-12-12, as added by this act, on July 1, 2002, any loans or loan guaranties made by the Indiana development finance authority under that section before July 1, 2002, remain valid and binding obligations of the Indiana development finance authority after June 30, 2002, as if that section had not expired."

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed April 6, 2001.)

CRAWFORD

During the discussion of the motion of Representative Crawford, the hour reached midnight. The forty-fifth meeting day ended and the forty-sixth meeting day began.